

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, SEPTEMBER 18, 2009
9:30 A.M.**

**RED LION
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Michael Lambo, Member Chair
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Tari Eitzen, President
Superior Court Judges' Association
Spokane County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Justice Barbara Madsen
Supreme Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Judge Glenn Phillips, President
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

Judge Chris Wickham
Superior Court Judges' Association
Thurston County Superior Court

NON-VOTING MEMBERS:

Mr. Jeff Hall
State Court Administrator

Mr. Mark Johnson, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President-Elect
Washington State Bar Association

Judge Stephen Brown, President-Elect
District and Municipal Court Judges'
Association
Grays Harbor County District Court

Judge Stephen Warning, President-Elect
Superior Court Judges' Association
Cowlitz County Superior Court

Board for Judicial Administration

September 18, 2009
9:30 a.m.
Red Lion SeaTac
18220 International Blvd, SeaTac

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Michael Lambo	
Action Items		
3. June 19, 2009 Meeting Minutes Action: Motion to approve the minutes of the June 19 meeting	Chief Justice Gerry Alexander Judge Michael Lambo	Tab 1
4. Reappointment to the BJA Court Security Committee Action: Motion to approve the reappointment of Ms. Suzanne Elsner to the BJA Court Security Committee	Chief Justice Gerry Alexander Judge Michael Lambo	Tab 2
Reports and Information		
5. Statutory Construction Taskforce	Judge Tari Eitzen	Tab 3
6. Conference of Chief Justices/Conference of State Court Administrators Resolutions	Mr. Jeff Hall	Tab 4
7. BJA Budget Reductions	Ms. Mellani McAleenan	Tab 5
8. Superior Court Budget Reduction Survey	Mr. Jeff Hall	Tab 6
9. BJA Dues	Ms. Mellani McAleenan	
10. Regional Courts	Ms. Mellani McAleenan	Tab 7
11. Cowlitz Funding Report	Mr. Jeff Hall	Tab 8
12. Development of Filing Fee Workgroup	Ms. Mellani McAleenan	Tab 9
13. Trial Court Coordination Final Report Summary	Ms. Mellani McAleenan	

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14. Washington State Bar Association	Mr. Mark Johnson Ms. Paula Littlewood	
15. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Chief Justice Gerry Alexander Judge Marlin Appelwick Judge Tari Eitzen Judge Glenn Phillips	
16. Association Reports County Clerks Superior Court Administrators District and Municipal Court Administrators Juvenile Court Administrators	Ms. Marti Maxwell Mr. Joe McGuire Ms. Sharon Paradis	
17. Administrative Office of the Courts	Mr. Jeff Hall	
18. Other Business Next meeting: October 16 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Michael Lambo	

**Board for Judicial Administration
Meeting Minutes**

**June 19, 2009
AOC SeaTac Office
SeaTac, Washington**

Members Present: Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson; Judge Michael Lambo; Ms. Paula Littlewood; Judge Jack Nevin; Judge Marilyn Paja; Judge Glenn Phillips; Judge Christine Quinn-Brintnall; and Judge Chris Wickham

Guests Present: Mr. M. Wayne Blair, Ms. Jeri Cusimano, Judge Barbara Linde, Ms. Marti Maxwell, and Ms. Barb Miner

Staff Present: Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Alexander.

May 15, 2009 Meeting Minutes

It was moved by Judge Paja and seconded by Judge Appelwick to approve the May 15, 2009 meeting minutes. The motion carried.

Member Chair Election

It was moved by Judge Phillips and seconded by Judge Derr to nominate Judge Michael Lambo as the BJA Member Chair from June 2009 through June 2011. The motion carried.

Judge Churchill was recognized by Chief Justice Alexander for her two years of exceptional service as the BJA Member Chair. Judge Churchill stated it has been a great privilege and an honor to serve on the BJA. Judge Fleck acknowledged Judge Churchill's contributions to the BJA and to the SCJA.

Chief Justice Alexander presented Judge Churchill and Judge Paja with Temple of Justice prints signed by the BJA members for recognition of their years of service to the BJA.

Appointment to Public Trust and Confidence Committee

Ms. Cusimano reported that Ms. Suzanne Elsner is a member of the Public Trust and Confidence Committee as a representative of the District and Municipal Court Management Association (DMCMA) but Ms. Elsner is unable to complete her term. The DMCMA recommends the appointment of Ms. Theresa Ewing, of Bremerton Municipal Court, to the remainder of Ms. Elsner's term.

It was moved by Judge Dubuisson and seconded by Judge Lambo to appoint Ms. Theresa Ewing to the Public Trust and Confidence Committee for the remainder of Ms. Suzanne Elsner's term. The motion carried.

Best Practices Committee Membership

Judge Julie Spector, Chair of the BJA Best Practices Committee, submitted a letter to the BJA requesting that she be allowed to extend, as needed, the number of terms a member of the BJA Best Practices Committee may serve.

It was moved by Judge Baker and seconded by Judge Lambo to suspend Article VI of the BJA Bylaws for the sole purpose of reappointing Mr. David Ponzoha, Ms. Linda Bell, and Ms. Yvonne Pettus to the BJA Best Practices Committee. After discussion, the motion carried.

Discussion focused on how difficult it is to fill appointments on the Best Practices Committee, in particular, because of the tremendous learning curve when members first begin serving on the committee.

Chief Justice Alexander agreed that it is good to have committee membership rotate so more people can participate but perhaps a BJA Bylaws amendment should be considered in the future. Judge Phillips will work with Ms. McAleenan to develop a possible amendment to Article VI of the BJA Bylaws.

King County Juror Advertising Project Report

Judge Linde presented information regarding the King County Trial Court Coordinating Council's juror advertising project. The King County Trial Court Coordinating Council is comprised of superior, district and municipal courts in King County and is currently chaired by Judge Phillips.

The Council recognized that there was a need in their community to enhance juror participation. Mr. Paul Sherfey, Ms. Trisha Crozier, and Ms. Yolande Williams worked on obtaining grant funding for a jury service advertising campaign. The Council used pictures of public figures who had previously been summoned and reported for jury duty in King County in their advertising banners: former Mariner Edgar Martinez, former

Governor Gary Locke, hydroplane driver Chip Hanauer, and former Sonics player Alan Hairston. The banners were placed on buses, in courthouses and in some law firm lobbies.

Juror yield statistics from King County Superior Court and Kent Municipal Court indicate that juror yield was higher during and following the advertising campaign but other variables in juror yield differences were not explored.

IRLJ 6.2 Infraction Penalties

Judge Paja reported that this issue came before the BJA in October 2008 and it was decided at that time that the DMCJA would discuss the issue further and bring it back to the BJA in the future.

The DMCJA thinks it is time for the Supreme Court to get out of the penalty setting business. Penalties should be set in the executive agency or through a legislative process.

The DMCJA is looking for guidance from the BJA that this is a worthwhile project, understanding that this will most likely be a multi-year project, and that they are ready to move forward. The question is if the BJA wants to take this issue on or have the DMCJA take it on.

At this point, the DMCJA is only evaluating repealing RCW 46.63.110(3). Mr. Hall would like to at least propose an alternate schedule for consideration if the Legislature will make the penalty decisions. Proposing an alternate penalty schedule could also clean up the fee splits so they are easier to process while keeping the schedule revenue-neutral to state and local governments.

It was moved by Judge Phillips and seconded by Judge Fleck to create an eight member Infraction Penalty Work Group to study IRLJ 6.2 and bring recommendations back to the BJA for endorsement. The motion carried.

After discussion, it was decided that BJA leadership can determine the membership of the Work Group.

Budget Update

Mr. Hall reported that the state Economic and Revenue Forecast Council came out with their economic forecast and are now predicting that the state will collect \$185 million less in the 2007-09 biennium and \$297 million less in the 2009-11 biennium than they forecast in March.

It is possible there will be further state budget reductions in the future.

Access to Justice Board

Mr. Blair reported that the Access to Justice (ATJ) Conference was held May 29-31 in Yakima. There were lots of people, energy and enthusiasm and the substantive programs were very good.

Mr. Blair thanked the Superior Court Judges' Association for their assistance this past legislative session.

Washington State Bar Association

Mr. Johnson stated that the Washington State Bar Association (WSBA) Board of Governors (BOG) voted to allocate \$1.5 million from reserves to the Legal Aid for Washington (LAW) Fund to help backfill the temporary downturn in IOLTA revenue. It will make a huge difference in sustaining support of civil legal aid programs this year.

Ms. Littlewood reported that the BOA elected a new President-elect for 2009-2010, Mr. Steve Toole from Bellevue. The BOG had their traditional roundtable meeting with the Supreme Court and this year the discussion revolved around GR 12.

At the next WSBA BOG meeting, they will begin discussing their budget which will be adopted in September.

Reports from the Courts

Supreme Court: Chief Justice Alexander shared that the Supreme Court participated in the WSBA Leadership Conference panel at the ATJ Conference. They discussed GR 12.

Court of Appeals: Judge Appelwick reported that the Court of Appeals Divisions are going through the process to balance their budgets.

Superior Courts: Judge Eitzen said the Superior Court Judges' Association (SCJA) held their long-range planning retreat in La Conner last weekend.

During the 2009 legislative session, the SCJA took no position on SB 6183 (changing the provisions relating to the early deportation of illegal alien offenders) but the Governor got the impression the SCJA opposed the bill. The SCJA is now working with the Secretary of Corrections, Eldon Vail, on a process that would ensure these requests are seen by a judge.

Judge Churchill is chair of the SCJA Media Workgroup. They are working on internal and media mechanisms to communicate SCJA news to judges and the media.

Judge Kathleen O'Connor is chairing the Evidence-based Community Workgroup. They will consider sensible uses of criminal justice resources.

The SCJA met with Mr. Hall regarding the Judicial Information System (JIS) and they want a resolution to their issues with the JIS.

Courts of Limited Jurisdiction: Judge Phillips shared that the District and Municipal Court Judges' Association's (DMCJA) Spring Conference at Semiahmoo was very successful. He thanked Judge Paja for making the DMCJA Board actions more transparent and improving communication between the Board and the membership.

The next DMCJA Board meeting is in August and they will discuss an ongoing issue: setting up a model for toll bills (520 tolling).

The new 2009-2010 DMCJA officers are Judge Stephen Brown, President-Elect; Judge Gregory Tripp, Vice President; and Judge Douglas Haake, Secretary/Treasurer.

Association Reports

County Clerks: Ms. Miner reported that the Washington State Association of County Clerks' (WSACC) Annual Conference is next week and they will be changing officers and working on legislation.

Superior Court Administrators: Ms. Maxwell said the Association of Washington Superior Court Administrators (AWSCA) is working on conference and education matters. They are also revising the handbook for court administrators.

District and Municipal Court Administrators: Ms. Cusimano reported that the District and Municipal Court Administrators (DMCMA) held a conference in May. Attendance at the conference was down along with the DMCMA membership. They are in the midst of a survey to find out reasons for the drop in participation.

About 100 courts participated in the debt reduction program. For people who participated in the program, their unpaid fines were pulled out of collections, all interest was waived, debt information was removed from their credit reports, and they paid 50% of the fine. King County District Court measured a 66% increase in collections over the previous period last year and they brought in approximately \$297,000.

Administrative Office of the Courts: Mr. Marler stated that AOC purchased some replacement laptops for the mobile computer lab and will use the old laptops at the AOC SeaTac office for paperless meeting materials. AOC is still in the planning mode but anticipates rolling out paperless meetings soon.

Other Business

SB 5277 – Regarding Fees Allowed as Court Costs in District Courts: Judge Linde reported that SB 5277 authorizes some fees on civil cases in district courts. She wants to bring to the attention of the BJA that the intent of the bill was to echo the superior court bill that was passed. The preamble language which is present on the superior court bill is missing in the district court bill. Because of the omission, the new money is now subject to the typical split. The legislative intent was to have the fee in subsection 9 (ex parte order) be a local fee and not subject to the split.

During discussion it became apparent that the fix would need to be legislative and this issue will be reviewed in the DMCJA Legislative Committee.

There being no further business, the meeting was adjourned.



DISTRICT AND MUNICIPAL COURT MANAGEMENT ASSOCIATION

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August 26, 2009

Justice Gerry L. Alexander
Supreme Court of Washington
PO Box 40929
Olympia, WA 98504-0929

Re: Re-Appointment to the BJA Court Security Committee

Dear Justice Alexander,

As President of the District and Municipal Court Management Association, I would respectfully request that you reappoint Ms. Suzanne Elsner to the BJA's Court Security Committee as her term has expired. She has been a very trusted member of this committee and has kept our Board informed as to the committee's activities.

We are truly grateful for Ms. Elsners' participation in this committee, and as such I would appreciate your consideration in reappointing her.

Sincerely,

Jeri Cusimano
President, DMCMA

JAC/abm

Cc: Ms. Suzanne Elsner

SENATE BILL REPORT

SSB 5152

As Passed Senate, March 7, 2009

Title: An act relating to statutory construction.

Brief Description: Creating a legislative task force on statutory construction.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller, McDermott and Kohl-Welles).

Brief History:

Committee Activity: Judiciary: 2/03/09, 2/06/09 [DPS].

Passed Senate: 3/07/09, 44-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

Staff: Juliana Roe (786-7438)

Background: There is some concern that a disconnect exists between the Legislature and the courts in determining legislative intent. In Washington State, there are three main canons of construction, maxims of interpretation originally developed in common law. The first are those codified by statute under RCW 1.12. Next include the Superior Court Civil and Criminal Rules (CR 81 and CrR 1.1) which take precedence over statutes regarding procedural matters and special proceedings under the civil rules. Last are those in case law which are the primary source of canons of interpretation. However, these canons are vague and inconsistent. Within case law, the courts take either a textualist or literalist approach. The textualist approach adopts the "plain meaning" of the words as the Legislature stated them. If the statute is ambiguous, however, the court may take the literalist approach which evaluates the "spirit" or "purpose" of the statute. This allows the court to refer to sources outside of the text to ascertain legislative intent.

Summary of Substitute Bill: A task force is created to determine whether the rules of statutory construction should be codified, the methods by which the rules should be codified, and the benefits or drawbacks of codification.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: A tension exists between two branches of government regarding who makes the rules. It is the Legislature's right to tell the courts how its work should be interpreted. Case law is only case law. It is not codified. This bill sets up a comprehensive work group to look at the rules of statutory construction. The best thing that can be done regarding statutory construction is to create clear laws. Many cases are argued over ambiguous statutory language resulting in a waste of the government time and money.

Persons Testifying: PRO: Arthur West, citizen; Tom McBride, Washington Association of Prosecuting Attorneys.

SUBSTITUTE SENATE BILL 5152

State of Washington 61st Legislature 2009 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline,
Rockefeller, McDermott, and Kohl-Welles)

READ FIRST TIME 02/10/09.

1 AN ACT Relating to statutory construction; creating new sections;
2 and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature believes the role of
5 policymaking requires clarity, consistency, and precision in the
6 preparation and interpretation of legislation. The legislature finds
7 that over the past decades, there have been instances in which statutes
8 have been judicially construed differently than may have been intended
9 and that it will be helpful to the judicial and legislative branches if
10 the rules by which statutes are judicially construed are reviewed and
11 better understood by both branches. The legislature also finds that
12 rules of construction should be codified to the extent possible such
13 that both branches will have enhanced opportunities to: (1) Achieve
14 mutually consistent understandings of legislative intent regarding
15 matters of public policy; (2) reduce the necessity of ongoing
16 revisions; and (3) provide parties to litigation increased
17 predictability of outcome of contested matters.

18 The legislature, therefore, intends to create a broadly
19 representative task force to review the existing rules of statutory

1 construction, identify those rules that are appropriate for
2 codification, and identify those rules that may, if revised, lead to
3 improved comity between the legislative and judicial branches in
4 determining public policy.

5 NEW SECTION. **Sec. 2.** (1)(a) A legislative task force on statutory
6 construction is established, with membership as provided in this
7 subsection.

8 (i) The president of the senate shall appoint one member from each
9 of the two largest caucuses of the senate;

10 (ii) The speaker of the house of representatives shall appoint one
11 member from each of the two largest caucuses of the house of
12 representatives;

13 (iii) The chief justice of the Washington state supreme court or
14 the chief justice's designee is invited to be a member;

15 (iv) A superior court judge appointed by the superior court judges
16 association is invited to be a member;

17 (v) The attorney general or the attorney general's designee;

18 (vi) Two prosecutors appointed by the Washington association of
19 prosecuting attorneys or designees of the prosecutors;

20 (vii) Two attorneys, one appointed by the Washington defender
21 association and one appointed by the Washington association of criminal
22 defense lawyers;

23 (viii) Two attorneys appointed by the Washington state bar
24 association. One shall be an attorney whose primary practice is
25 representing individuals in litigation involving tortious conduct. One
26 shall be an attorney whose primary practice is representing commercial
27 entities in litigation involving tortious conduct. The state bar
28 association shall seek advice from groups representing such attorneys
29 in making its selections;

30 (ix) A law professor knowledgeable in statutory construction,
31 appointed by the governor;

32 (x) An administrative law judge;

33 (xi) A representative of the association of Washington cities; and

34 (xii) A representative of the Washington state association of
35 counties.

36 (b) The task force shall choose its cochairs from among its

1 legislative membership. The joint call of the chairs of both the
2 senate and house judiciary committees shall convene the initial meeting
3 of the task force.

4 (2) The task force shall review, at a minimum, the following
5 issues:

6 (a) Which, if any, of the rules of statutory construction should be
7 codified;

8 (b) The methods by which the rules should be codified including,
9 but not limited to, codifying the rules on a per act basis or codifying
10 the rules as a whole;

11 (c) The benefits and drawbacks of codification including, but not
12 limited to, constitutional implications; and

13 (d) What, if any, additional measures can the legislature and the
14 judiciary take to improve the collective understanding of what statutes
15 mean.

16 (3) Staff support for the task force must be provided by the
17 legislature.

18 (4) Travel and other membership expenses for legislative members
19 must not be reimbursed. Nonlegislative members must seek reimbursement
20 for travel and other membership expenses through their respective
21 agencies.

22 (5) The task force shall hold meetings in places throughout the
23 state in an effort to accommodate the varied places of residence among
24 task force members.

25 (6) The task force may organize itself in a manner, and adopt
26 rules of procedure, that it determines most conducive to the timely
27 completion of its charge.

28 (7) The task force is subject to chapter 42.30 RCW.

29 (8) The task force shall submit an interim report to the Washington
30 state supreme court and appropriate committees of the legislature by
31 January 1, 2010, and its final findings and recommendations to the
32 Washington state supreme court and appropriate committees of the
33 legislature by January 1, 2011.

34 (9) This section expires July 1, 2011.

--- END ---

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

In Support of Resources Needed to Facilitate Compliance with Family Law Related International Treaties

WHEREAS, in our expanding global society international treaties are needed to facilitate cooperation and communication among countries and the recognition and enforcement of foreign decrees and judgments; and

WHEREAS, the United States is currently a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (Adoption Convention) and is considering ratification of other family law related international treaties; and

WHEREAS, with the recent implementation of the Adoption Convention and the anticipated ratification of additional family law related international treaties, resources and a formalized structure are needed to support judges and court personnel as they endeavor to comply with treaty obligations; and

WHEREAS, such resources could include: (1) the development of a body of information regarding the treaties that is readily available to judges and court personnel; (2) sponsorship of national training opportunities for the state points of contact; and (3) the development of a dedicated website within the National Center for State Courts (NCSC) website for resource material;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage the United States Department of State to work with the Conferences and the NCSC to provide state courts with the resources needed to comply with their obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and other family law related international treaties.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

To Encourage Appointment of State Points of Contact to Facilitate Compliance with Family Law Related International Treaties

WHEREAS, in our expanding global society international treaties are needed to facilitate cooperation and communication among countries and the recognition and enforcement of foreign decrees and judgments; and

WHEREAS, the United States is currently a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Abduction Convention) and the 1993 Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and is considering ratification of other family law related international treaties; and

WHEREAS, the Hague Conference on Private International Law (HCPIIL) has called for each party to the Abduction Convention to establish a judicial network to facilitate application of the Convention and dissemination of information about the Convention; and

WHEREAS, the United States Department of State has appointed three judges to be liaisons on the Abduction Convention and has inquired about the possibility of designating liaisons in each of the 50 states, the District of Columbia, and the territories to develop expertise on the Convention and facilitate compliance with its terms; and

WHEREAS, state court points of contact have been designated for other policy areas such as child welfare, child support, and problem solving courts, and these points of contact have duties similar to those described above for the international judicial network;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage each member to appoint an individual in the administrative office of the courts and/or a judge to serve as the point(s) of contact for family related international treaties.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 3

Urging Federal Funding Entities to Allocate Drug Court Funds Through the Highest Judicial Authority of States and Territories

WHEREAS, drug courts have proven to be the most effective strategy for reducing drug use and criminal recidivism among criminal offenders with substance abuse and addiction and reuniting families broken by drug dependency; and

WHEREAS, the Bureau of Justice Assistance, the Office of Juvenile Justice Programs, the Center for Substance Abuse Treatment and the Substance Abuse and Mental Health Services Administration have in the past supported local drug court operations via direct competitive grants; and

WHEREAS, in 2000 the Conference of Chief Justices and the Conference of State Court Administrators adopted a joint resolution in support of the advancement of problem-solving courts; and

WHEREAS, through the efforts of the National Association of Drug Court Professionals (NADCP), the National Drug Court Institute, the National Center for State Courts and others, drug court research has resulted in many areas of consensus regarding the best practices for drug courts; and

WHEREAS, the associated State Drug Court Coordinators are responsible for overseeing the implementation of these best practices at the state level in each of the states and territories; and

WHEREAS, the State Drug Court Coordinators recently met and unanimously recommended that federal funds be increased and allocated in a new way to best achieve effective, cost-efficient and fair drug courts; and

WHEREAS, federal funding directed on a formula basis to a state-level drug court oversight entity designated by the highest judicial authority of the state or territory will allow states and territories to achieve the following goals:

- They will be able to implement and ensure adherence to operational standards for all drug courts;
- They will be able to monitor compliance with evidence based and best practices;
- They will be better able to plan the growth and expansion of drug courts;
- They will be better able to provide equal access in all parts of their state or

territory;

- They will be better able to protect the due process and equal protection rights of drug court participants;
- They will be better able to gather data to inform future policy, funding and research initiatives;
- Drug courts will be more accountable for their operations and use of funds; and
- Federal funds will be more efficiently used.

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

1. Request an opportunity to meet with the administrators of the appropriate federal agencies for the purpose of advancing the merits of drug courts and other problem solving courts, encouraging the expansion of drug courts and other problem solving courts, and seeking the administrators' active support for increased federal funding; and
2. Support the \$250 million federal funding initiative of the NADCP; and
3. Encourage federal funding entities to identify and set aside a portion of appropriated funds for training, technical assistance, and research, and designate the majority of the funds for allocation to the states and territories for the maintenance, establishment, expansion and enhancement of local drug courts; and
4. Strongly encourage these federal entities to require the highest judicial authority of each state and territory to designate a state-level drug court oversight entity as a single point of contact for funding drug courts, and then to allocate the operational funds to the states and territories through these points of contact.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 7

Urging the United States Congress to Consider State Policies and Principles of Federalism with Regard to Reforming Health Care Liability Systems

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators, in fulfilling their leadership role for state judicial systems, have traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, both Houses of the U.S. Congress, in an effort to establish national policies on health care access and medical cost containment, are considering legislative proposals, such as the Medical Care Access Protection Act of 2009 (S. 45) and the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2009 (H.R. 1086), to create uniform national mandates with respect to “health care lawsuits” in state and federal courts; and

WHEREAS, the above-described legislative proposals would, if enacted, federalize in significant ways many state policies and practices, as provided in both statutory and common law, including provisions to: (1) require state courts to impose a Federal Rule of Civil Procedure Rule 11-type sanction upon attorneys and law firms in certain circumstances; (2) dictate the content of jury instructions on damages; (3) limit contingency fees for claimant attorneys; and (4) institute uniform qualifications for persons to testify as experts in health care lawsuits; and

WHEREAS, these legislative proposals to regulate important features of personal injury lawsuits should defer to state courts and legislatures which are better situated to determine and control the impact of reform within their own communities;

NOW, THEREFORE, BE IT RESOLVED that the Conferences urge Congress, during its consideration of the above described legislation, to be mindful of the principles of federalism and particularly of the fact that state constitutions vest state supreme courts with responsibilities and authority over the procedures employed in state courts and the admission and discipline of attorneys and that the proposed legislation may create conflicts with state constitutional provisions; and

BE IT FURTHER RESOLVED that the Conferences urge that a federalism assessment of proposed legislation regulating health care be included in every Congressional committee and conference report.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 8

In Support of Effective Judicial Governance and a Culture of Transparency and Accountability

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators understand the relationship between judicial independence and accountability and recognize that accountability and transparency are critical to judicial governance and to the preservation and strengthening of an independent judiciary; and

WHEREAS, the Conferences adopted *Resolution II, In Support of Principles of Effective Judicial Governance and Accountability*, which identifies the core elements of judicial accountability for state court systems; and

WHEREAS, these core elements are critical to judicial governance to ensure courts have the capacity to manage their own affairs by virtue of being closest to the issues and in the best position to make decisions necessary for ensuring the highest level of public service; and

WHEREAS, state courts cannot achieve effective governance without the capacity to manage their own affairs and develop and implement policies and practices in certain core areas critical to administering the courts; and

WHEREAS, the Conferences have repeatedly expressed strong commitment to the pursuit of accountability and transparency in the conduct of state and local court operations and in overall judicial branch affairs; and

WHEREAS, judicial accountability can foster an environment in which other branches of government and the public understand the judiciary's role and are less likely to interfere with the judiciary's ability to govern itself; and

WHEREAS, judiciaries need performance standards and measures that provide a balanced view of court performance in terms of prompt and efficient case administration, public access and service, equity and fairness, and effective and efficient management; and

WHEREAS, well-conceived and practical court performance measures, such as the *CourTools* and the *Appellate CourTools* developed by the National Center for State Courts (NCSC), are increasingly valued not only as tools for incremental quality improvements of court programs and services, but also as the means for major policy reform and organizational transformation; and

WHEREAS, state court leaders have a duty to hold their organizations accountable to the public and their inter-branch partners by instituting a set of empirical measures and a program of ongoing assessment of court outcomes with wide publication of the results of those assessments; and

WHEREAS, court performance measurement is the evaluation of overall systems and programs, rather than individual judicial performance, and encompasses both a quantitative and qualitative assessment of court effectiveness; and

WHEREAS, it is important that state court leaders share outcome data in a public manner by publishing the results of their performance measurements so the public can make judgments about the effectiveness of state court systems; and

WHEREAS, although state court systems are working successfully in many different contexts to advance accountability and transparency, court performance measurement is one area in which state courts need to do better; and

WHEREAS, the Conference of State Court Administrators prepared a white paper entitled *Promoting a Culture of Transparency and Accountability: Court System Performance Measures*, which examined available performance measurement tools, best practices, and lessons learned;

NOW, THEREFORE, BE IT RESOLVED that to create and sustain a court culture of accountability and transparency the Conferences urge:

- Chief justices and state court administrators to assume a leadership role, regardless of their court system organizational structure, to promote and enact performance measurement systems; and
- State courts to adopt policies requiring performance measurement; and
- State courts to develop the automated capacity to collect, report, and analyze the data necessary to support performance management; and
- State courts to measure their courts' performance and publish those measures on their courts' websites, in annual reports, at budget hearings and other public meetings to improve understanding of the judicial branch; and
- State courts to use their performance results to educate the legislative and executive branches of government; and
- NCSC to serve as the clearinghouse for state performance measures and management solutions provided by the states via its website, including an implementation manual to assist state courts with performance measurements; and
- State courts to collaborate with NCSC to encourage the use of consistent methodologies necessary for comparability; and
- State courts to share their information, methodologies, and results with one another and with NCSC in an effort to learn from these shared experiences and improve performance and management; and
- NCSC and the National Association for Court Management to continue their encouragement of the use of performance measures and the publication of data in educational programs for future court leaders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 10

In Support of the Court Fee Intercept Legislation in the United States Congress

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that allowing court-ordered penalties, fines, fees, restitution and surcharges to be ignored diminishes public respect for the rule of law and that it is in the interest of the courts that their orders be honored; and

WHEREAS, significant amounts of court-imposed penalties, fines, fees, restitution and surcharges are not paid; and

WHEREAS, the United States Treasury Offset Program allows for the federal income tax refund interception of federal tax debt, Temporary Assistance to Needy Families (TANF) child support debt, federal agency non-tax debt, non-TANF child support debt and state tax debt (other than child support); and

WHEREAS, collection of court-imposed obligations through a tax refund intercept would be among the most accurate, least intrusive and least burdensome methods to satisfy these debts; and

WHEREAS, collection of such debts through a tax refund intercept mechanism would contribute to the public trust and confidence in the courts; and

WHEREAS, Reps. Davis (D-AL) and Paulsen (R-MN) have introduced legislation (H.R. 1956) in the United States Congress to allow for the interception of federal income tax refunds for payment of such debts; and

WHEREAS, the legislation has received support from a broad-based coalition of public interest groups such as the National Association for Court Management, National Association of Counties, Mothers Against Drunk Driving, Government Finance Officers Association, National Center for Victims of Crime and the American Probation and Parole Association;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support legislation to add conforming language to federal statutes that will enable the states to intercept federal tax refunds for payment of obligations under legally enforceable court orders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 11

In Support of Increased Federal Funding For the Legal Services Corporation

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have worked steadfastly to maintain access to justice as a cornerstone of our legal system; and

WHEREAS, the Legal Services Corporation (LSC) was established in 1974 by bipartisan vote of the United States Congress to meet the access to justice needs of those excluded from the legal system because of the unavailability of legal resources; and

WHEREAS, the LSC is a critical component of the national access to justice system through its funding of nonprofit organizations that provide legal services in every state and territory; and

WHEREAS, the number of individuals in need of legal services has dramatically risen due, in part, to increased unemployment, foreclosures, debt problems, and difficulties accessing medical care as a result of the current financial crisis; and

WHEREAS, *Documenting the Justice Gap in America* indicates that, in 2005, even before the current economic crisis, half of those who applied for services from LSC grantees were turned away due to a lack of resources; and

WHEREAS, the current economic crisis is greatly restricting state and local capacity to support programs that provide legal services, including a very dramatic reduction in funding available from Interest on Lawyer Trust Accounts due to a substantial decline in interest paid on lawyers' trust accounts which is used to fund local legal services programs; and

WHEREAS, the federal 2009 LSC budget is significantly lower than the inflation-adjusted 1995 appropriation, and although the President's 2010 budget proposes increased LSC funding, LSC funding will remain more than \$140 million less than its inflation-adjusted 1995 appropriation;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support increased federal funding on a continuing basis for LSC to better meet the demand for legal services and to ensure access to justice for all.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 14

Encouraging Collection of Data on Adult Guardianship, Adult Conservatorship, and Elder Abuse Cases by All States

WHEREAS, the number of vulnerable elderly persons will increase rapidly over the next twenty years; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases intended to protect vulnerable elderly persons including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, most state court systems are not currently able to determine the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and closed each year; and

WHEREAS, timely, accurate, and complete data on the number of guardianship, conservatorship, and elder abuse cases is essential in determining the policies, procedures, approaches, and resources needed to address these cases effectively and in measuring how the courts are performing in these cases; and

WHEREAS, the National Center for State Court's Court Statistics Project overseen by a Committee of the Conference of State Court Administrators has developed the attached standard definitions applicable to guardianship, conservatorship, and elder abuse proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Conferences urge each state court system to collect and report the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and concluded each year.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.

Guardianship–Adult: Probate/Estate cases that include cases involving the establishment of or a controversy over the relation existing between a person (guardian) and an adult (ward). *Note: The guardian is lawfully invested with the power and charged with the duty of caring for and managing the affairs of an adult (ward) who is considered by the court to be incapable of caring for himself/herself.*

Conservatorship/Trusteeship: Probate/Estate cases that include cases involving the establishment of, or a controversy over: 1) the relation existing between a person (conservator) and another person (ward) or 2) the legal possession of real or personal property held by one person (trustee) for the benefit of another.

Note: The conservator is lawfully invested with the power and charged with the duty of taking care of the property of another person (ward) who is considered by the court as incapable of managing his or her own affairs. When states cannot distinguish the person from property (guardianship from conservatorship in the above terms) they report their caseload here.

Probate/Estate–Other: Cases that include the establishment of guardianships, conservatorships, and trusteeships; the administration of estates of deceased persons who died testate or intestate, including the settling of legal disputes concerning wills. Use this case type for Probate/Estate cases of unknown specificity, when Probate/Estate cases are not attributable to one of the other previously defined Probate/Estate case types, or when all Probate/Estate cases are reported as a single case type. As distinguished from:

Probate/Wills/Intestate: Probate/Estate cases that include cases involving: 1) the determination of whether a will is a valid instrument; 2) the statutory method of establishing its proper execution; and 3) the determination, in the absence of a will, of the disposition of the decedent's estate. Court actions providing for estate administration, appointment of executors, inheritances, and so forth should be included in this category.

The data requested are the various categories of Incoming, Outgoing, and Pending cases outlined in the *Guide*. You can see these as the column headings on this web page: http://www.ncscstatsguide.org/civil_caseload.php

Elder Abuse: Criminal cases involving offenses committed against an elderly person. Seven types of offenses are usually included: physical abuse, sexual abuse, psychological abuse, neglect, abandonment and isolation, financial or fiduciary abuse, and self-neglect. Physical abuse is generally defined as improper use of physical force that may or does result in bodily harm, injury, physical pain, or restraint of an individual. Sexual abuse is any non-consensual sexual touching or contact with an elderly person or a person who is incapable of giving consent (e.g., a mentally disabled individual). Psychological abuse is the intentional or reckless infliction of psychological pain, injury, suffering, or distress through verbal or nonverbal acts. Neglect is the failure to provide for the care and treatment or safety of an elder. Abandonment is the desertion of an elderly person by an individual responsible for providing care or by a person with physical custody of an elder. Financial or fiduciary abuse is the illegal or improper use of an elder's funds, property, or assets, or the conversion or misappropriation of such property, for uses other than for the elder. Self-neglect is behavior of an elderly person that threatens his/her own health or safety.

Reduction Title	Amount	FTE
BJA CIRT	(\$1,250)	
Reduce TCCC	(\$75,000)	
BJA Domestic Relations Committee	(\$2,500)	
Eliminate one PJ Conference	(\$50,000)	
Reduce Final PJ Conference	(\$50,000)	
	(\$178,750)	0

AWSCA Superior Court Budget Reduction Survey
August 26, 2009

County	2008 Cut	%	2009 Cut	%	2010 Estimated Cut	%
Adams	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Asotin/Columbia/Garfield	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Benton/Franklin	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Chelan	\$ -	0.00%	\$ 58,819.00	5.50%	\$ 58,819.00	5.50%
Clallam	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Clark	\$ -	0.00%	\$ 636,154.00	8.80%	<--- Biennial Bgt	
Cowlitz	\$ -	0.00%	\$ 124,662.00	12.00%	Unknown	Unknown
Douglas	\$ -	0.00%	\$ 7,000.00	2.40%	Unknown	Unknown
Ferry, Stevens, Pend Oreille	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Grant	\$ -	0.00%	\$ -	0.00%	Unknown	Unknown
Grays Harbor	\$ -	0.00%	\$ 95,340.00	6.00%	\$ -	0.00%
Island	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Jefferson	\$ -	0.00%	\$ 2,343.00	6.40%	Unknown	6.40%
King	\$ -	0.00%	\$ 4,882,509.00	10.50%	\$ 3,571,884.00	8.20%
Kitsap	\$ 119,253.00	4.00%	\$ 188,948.00	6.20%	\$ -	0.00%
Kittitas	\$ -	0.00%	\$ 25,000.00	4.00%	\$ -	0.00%
Klickitat	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Lewis	\$ 22,028.00	1.26%	\$ 334,059.00	16.95%	\$ 65,999.00	4.78%
Lincoln	\$ -	0.00%	\$ -	0.00%	Unknown	Unknown
Mason	Incr. \$8,759	Incr. 1.2%	Incr. \$74,959	Incr. 9.5%	\$ 4,889.00	0.63%
Okanogan	\$ -	0.00%	\$ -	0.00%	Unknown	Unk. 10-20%
Pacific	\$ -	0.00%	\$ -	0.00%	Unknown	10.00%
Pierce	\$ 167,000.00	1.50%	\$ 377,150.00	3.00%	\$ 503,120.00	4.00%
San Juan						
Skagit	\$ 40,454.00	10.00%	\$ 72,024.00	4.00%	Unknown	0.40%
Skamania	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Snohomish	\$ -	0.00%	\$ 2,000,000.00	10.00%	\$ 1,600,000.00	7.50%
Spokane	\$ -	0.00%	\$ 141,700.00	2.00%	\$ 600,000.00	10.00%
Thurston	Incr. \$282,966	Incr. 1.064%	\$ 779,006.00	17.20%	\$ 418,460.00	8.99%
Wahkiakum	0	0.00%	\$ -	0.00%	\$ -	0.00%
Walla Walla	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Whatcom	\$ -	0.00%	\$ 268,508.00	5.00%	\$ 297,122.00	5.60%
Whitman	Incr. \$23,478	Incr. 6.3%	\$ 47,878.00	12.10%	Incr. \$3,542	Incr. 1%
Yakima	\$ 281,390.00	9.20%	\$ -	0.00%	\$ 170,000.00	6.00%
*TOTAL CUTS			\$ 630,125.00		\$ 10,041,100.00	
					\$ 7,290,293.00	

*Counties with budget increases are not included in the statewide Total Cuts formula.

County	Programmatic cuts over past two years, and anticipated for 2010
Adams	No program cuts and no budget reductions expected for 2010, as we are bare bones now.
Asotin/Columbia/Garfield	Asotin Co is facing a large current expense deficit in 2010, and departments will be asked to reduce expenditures where possible. If the state does not continue funding counties through the Office of Public Defense, we will be forced to reduce expenditures on professional services.
Benton/Franklin	There is some concern our 2010 Adult Drug Court budget will be impacted due to loss of state monies; however, county commissioners and community are very supportive and encouraging at this point.
	Anticipating no COLAs for 2010.
	Recess trials on some Friday afternoons in Franklin Co due to prosecutors' and clerks' mandatory furlough (the court is not under the mandatory furlough be we accommodating those who are).
	Juvenile court has been impacted - juvenile court administrator would have dollar impact data.
Chelan	Law clerk position will go unfilled.
	Mandatory Arbitration program terminated.
	As of 8-1-09, \$150 monthly VEBA contribution eliminated indefinitely for all non-represented employees in the county--this includes all employees in our office. Commissioners are requesting the same from represented employees, but must go through the bargaining process.
Clallam	None.
Clark	These cuts are for 2009/2010 -- Defer hire of 3rd commissioner for 2 years; reduce family court professional services; eliminate law clerk; pool jurors; increase family court fees; reduce pro tem commissioner use; misc. controllable savings.
Cowlitz	The cuts most devastating to our court were made in the clerk's office--without clerks the courts cannot operate. On Fridays the court can only operate the family law (1/2 day in the a.m.) and criminal (1 hour in the p.m.) dockets plus one trial.
	Even if courtrooms and judges are available, court cannot operate.
	The budget line item for hiring court commissioners/judges pro tem was so drastically cut that mandatory settlement conferences were entirely eliminated. MSCs settle 80% of the divorce cases which will now significantly add to the trial backlog. In addition to the one day a week our court commissioners work handling child support cases (IV-D) our budget contains only enough money to hire a cc or jpt for a total of an additional 84 hours for the year!
	The travel budget cuts allow for only one judge to attend judicial conferences held this year and no travel/training for staff.
	The clerk's budget has no overtime, so all trials - including jury, end by 4:30 each day. Deliberating jurors are required to return the next day necessitating additional costs to the court which pays the jury fees.
	The travel budget cuts also eliminated most juror amenities, including meals.
	Staff must provide most housekeeping duties--vacuuming, emptying garbage, etc.
	Staff salaries were cut 5%.
Douglas	None.
Ferry, Stevens, Pend Oreille	None.
Grant	None.
Grays Harbor	No staff or program cuts, yet.
Island	None.
Jefferson	Work week cut from 40 hours to 37.5 hours. Salary cut was 6.4%
King	Reduce family court services social worker FTEs; reduce Unified Family Court Case Management FTEs; reduce BECCA case management FTEs; reduce court reporters; reduce juvenile court coordinator FTEs;
	Reduce juvenile probation counselor FTEs; new revenues in ex parte & facilitator program; increased fees in juvenile diversion & family court svcs.

Kittitas	Reduction-in-Force of 1.00 FTE each for Court Reporter, Law Clerk, and Office Assistant II (vacant); Cut .5 FTE Pretrial Services Officer; Eliminate extra help office support (high school intern); reduce \$24,000 drug court administration budget. Reduce \$5,900 judicial library; reduce \$3,500 judicial/admin. training and travel.
Klickitat	2010 Anticipated Cuts: Absorb the cost of may merit step increases and increases in health care benefits for all court employees. Note: no additional budget reduction is presently estimated above due to overall impact of prior year reductions.
Lewis	None.
Lincoln	None.
Mason	No staff cuts; we took indigent defense out of our budget and moved under the control of the county commissioners. For 2010 we are looking a cutting the rate we pay attorney fees for child support contempt and guardianships, and we are counting on reducing jury costs based on position cuts in the prosecutor's office.
Okanogan	None.
Pacific	Cut settlement conferences. Reduced court commissioner contract hours. No cuts in staff or programs. 2010 budget not final. expect commissioners to make 10-20 % cut excluding wages. 2010 budget--expect to lose a part-time helper in the court administrator's office who works 40 hours a month. 2010 budget--expect to lose our contract Spanish interpreter. He used to just bill us for his time but 2 years ago he became a contract employee so that he could have medical for him and his wife. I think they'll do away with that contract when it expires and go back to paying him hourly for his services (and he'll lose his medical, unfortunately). We've been told there will be additional cutbacks but we won't know how much or in what form (shorter work weeks possibly) until the budget process is completed in September.
Pierce	Roll back to 7 hours/day for 3 mos in 2009; rollback 4 mos in 2010. County drug court funding reduced; pro tem judge program for civil/domestic cases eliminated; travel cut drastically; extra hire employee use all but eliminated. Vacant position held unfilled; employee furloughs.
San Juan	Chemical dependency hearings; cut and possibly 3rd court reporter position cut.
Skagit	None.
Skamania	Lost 20 FTEs in the general fund; reduced family court investigators by 2/3rds - 3 FTEs reduced to 1; reduction in drug courts resulting in losing 3 FTEs and reducing number of participants by 50%; Elimination of two complete job classifications at the Denney Juvenile Justice Center resulting in 9 FTEs bumping to lower paid positions and others being laid off accordingly; elimination of one judicial coordinator supervisor; five other positions vacated by retirement and/or
Snohomish	voluntary leaves but the positions cannot be filled as this is a hiring freeze in effect. For 2010, either eliminate all drug courts or move to funding from .1% sales tax fund using the supplanting authority recently passed by state legislature.
Spokane	Reduce contracts with attorneys providing truancy and drug court services at juvenile court. Negotiate an extension of furlough program for 2010. Cuts: UA/BA monitoring \$75,000; publications \$20,000; all travel expenses \$15,000; jury costs (various admin costs) \$5,000; mental health co-occurring drug court \$120,000; pro tem commissioner and judge funds \$44,000; operating expenses \$36,000.

Thurston	7.5 positions lost from court operations; jury trial weeks reduced by 6 weeks in 2009; jury trial weeks will continue to be reduced by a minimum of 6 weeks and may be increased up to 10 weeks; 2 positions moved from general fund in 2009 to treatment sales tax fund; pre-trial services moved from district court to superior court fund; 4-person unit with 2 positions funded by treatment sales tax; 2 positions for 2010 depending on grant(s) for funding. Court security hours cut in 2009. The two court buildings are open to the public from 8:00 a.m. to 5:00 p.m. (formerly open from 7:30 to 5:30).
Wahkiakum	Case processing times are trailing--civil trial dates are now being set for 2011.
Walla Walla	None.
Whatcom	No increases will be allowed on any budget line items. Usually a 6% increase each year is implemented; possible reduction in juvenile court truancy programs. All drug court funding moved to mental health tax fund; ceased appointing guardianship and domestic GAL at public expense (except if petitioner indigent in guardianship); capped dependency GAL and attorney contracts (flat rate). Increased walk-in time for facilitators, fewer appointments (increased rates); decreased pro tem commissioner usage (cancel some calendars); capped GAL fees at not-to-exceed w/o court order levels. Will probably implement a parenting coordinator roster (quasi-judicial); will probably assign a single drug court coordinator for adult/juvenile/family drug courts.
Whitman	None.
Yakima	In 2008 we lost 1 office specialist position and .5 court commissioner from the superior court general fund. We placed those positions in the temporary sales tax revenue fund, however that fund is due to expire in 2010. 2008 we eliminated 1.0 paralegal position. 2008 reduced all line items including law books which requires judges share legal resources. Sales tax fund picked up miscellaneous expense such as printing, copies, supplies, and technology costs but that fund expires in 2010. 2009: moved .24 court commissioners and .34 office specialist and moved portions of various line items to sales tax fund which ends in 2010. We are over budget half way through the year. The Commissioners added money for our court costs that we have no control over, but have indicated they cannot do that again in 2010. 2010: The Commissioners expect a 6% budget cut for 2010, but we are hoping it will be reduced at least to a 4 or 5% cut before we have to submit the final budget. We will have to eliminate office staff and/or part-time court commissioners. Our sales tax fund can no longer absorb shortfalls.

BOARD FOR JUDICIAL ADMINISTRATION'S
PROPOSAL FOR
OPTIONAL REGIONAL COURTS OF LIMITED JURISDICTION

HISTORY

Washington's judicial reform efforts can be traced as far back as the 1920's. The concept of creating regional courts of limited jurisdiction has existed for decades in Washington, dating back to 1959 when the legislature considered legislation to replace the patchwork of justice of the peace courts with a single court of limited jurisdiction. That legislation failed to come to a vote on the floor on the last day of the 1959 legislative session and two years later, the 1961 Justice Court Act was passed establishing the basic structure we have today. Efforts to revisit the two court structure continued with the 1969 Magistrates' Association Task Force Committee on Court Improvement. Numerous reviews since that time, including the District and Municipal Court Judges' Association Court Consolidation Committee of 1988 and the Court Funding Task Force of 2004 have all arrived at the same result: an aspiration to create a single court of limited jurisdiction, or what has been recently termed "regional courts."

REASONING

The 1961 Justice Court Act was proposed to "establish a system of courts providing uniform justice to all parts of the state." More than 50 years later, the same reasoning holds true. In 2005, the Board for Judicial Administration adopted the following policy statement and goal for the courts of limited jurisdiction in Washington State:

Long term, the courts of limited jurisdiction in Washington State should be restructured as regional courts having a full range of judicial functions including jurisdiction over all applicable state laws, county and city ordinances, civil cases and small claims. Regional courts would be located in convenient location serving both the public and other users such as law enforcement agencies, lawyers, and court personnel. Regional courts would operate full-time, with elected judges, and offer predictable recognized levels of service, including probation departments and be appropriately funded by state and local government. A regional structure for courts of limited jurisdiction will offer convenience by making courts open and accessible to the public, and coordinate services, staff, and administration and achieve economies of scale for all participating jurisdictions.

PROCESS

In April 2008 the BJA established an ad hoc committee to draft legislation that would achieve these goals to be introduced in the 2009 legislative session. The goal for the 2009 legislative session is only to have the bill heard in Committee. This will provide incentive for all interested parties to actively engage in discussions regarding the proposal which in turn will lead to constructive modifications to the proposal both during the 2009 session and the ensuing interim. It is anticipated that it will take two or three legislative sessions for this legislation to develop and be passed by the legislature.

The ad hoc committee is chaired by a superior court judge at the direction of the BJA, and consists of district and municipal court judges, a district court commissioner and is supported by AOC policy staff. The committee met several times over the course of the summer and has developed a twelve page document that will serve as the basis for drafting proposed legislation. This proposed legislation will be reviewed by the BJA and will be subjected to additional stakeholder input, including the District and Municipal Court Judges Association among others, as the 2009 legislative session approaches. The proposed legislation is intended to be the basis on which to

begin a series of concerted negotiations with the courts of limited jurisdiction, cities, counties and the state in an effort to create a court structure that will best serve the needs of Washington's citizens.

CURRENT PROPOSAL

The ad hoc committee's initial draft proposal, which will and should change with stakeholder input, includes the following concepts:

- District and municipal courts have the option to form a regional court of limited jurisdiction.
- Incentives to form a regional court:
 - Salaries and benefits for regional court judges shall be shared by the state in the same manner as superior court judges.
 - Jury costs shall be paid by the state at a level similar to the state's minimum wage.
 - The State shall pay for and manage constitutionally obligated defense costs through the Office of Public Defense.
 - Priority status shall be given to regional courts over district and municipal courts when applying for new program money.
 - In order to receive state funding, regional courts must meet minimum standards.
- All regional courts will be served by full-time, elected judicial officers who are state employees.
 - Existing judicial officers will be "grandfathered."
 - Judicial elections shall be held every 6 years rather than quadrennially.
 - Vacancies shall be filled in the same manner as superior court judges.
- Regional courts shall have exclusive original jurisdiction over matters arising from ordinances of cities and towns that have agreed to operate as part of the regional court. A regional court shall also have the same civil and criminal jurisdiction as a district court for any matters arising out of a county that has agreed to operate as part of the regional court.
 - There shall be a small claims department.
 - A violations bureau may be authorized to process traffic infractions but not hold hearings.
- A municipality may create a satellite location of the regional court at their option and expense.
 - Every location must be equipped to accept and decide domestic violence and antiharrassment protection orders.
 - Every location must have at least one full-time staff position and adequate security.
 - There shall be reasonable access to the services of a judicial officer during regular work day hours.
 - The satellite location shall be part of the regional court and subject to the presiding judge role of the regional court.
- Costs shall be apportioned between municipalities and counties that have entered into an agreement to form or join a regional court based on a proportionality formula to be determined locally.
- Revenue from fees, fines, forfeitures and penalties from cases that originate within a certain jurisdiction (city or county) will be retained by that jurisdiction according to current law.
- Local districting committees shall be restructured when a regional court is formed. A new statewide committee shall also be established to ensure that all cities and counties joining a regional court shall have an appropriate avenue to address grievances not resolvable at the local level.



Introduction

In June, 2009 the Cowlitz County Superior Court requested the Administrative Office of the Courts (AOC) to conduct an analysis of the adequacy of the court's resources relative to the court's caseload. The court expressed concerns that recent budget reductions had rendered the court incapable of meeting its constitutional and statutory obligations to administer justice.

The AOC responded to this request in two parts:

First, the AOC's Washington State Center for Court Research (WSCCR) completed a "*Comparative Analysis of Six Washington Courts*¹," providing an objective baseline report on the resources and workload demands for Cowlitz County and five comparison courts selected for their similar population and caseload.

Second, this analysis serves as a companion to the *Comparative Analysis*, providing an assessment of the court's resources under the standard set forth by the Supreme Court in *In re Juvenile Director*, 87 Wn.2d 232 (1976).

"Adequate and Sufficient Resources"

In 1976, the Washington State Supreme Court articulated the standard that a court² must have "adequate and sufficient resources...[n]ecessary for the holding of court, the efficient administration of justice, or the fulfillment of its constitutional duties." *In re Juvenile Director* at 245, 250. The Court stated:

It is axiomatic that, as an independent department of government, the judiciary must have adequate and sufficient resources to ensure the proper operation of the courts. It would be illogical to interpret the Constitution as creating a judicial department with awesome powers over the life, liberty, and property of every citizen while, at the same time, denying to the judges authority to determine the basic needs of their courts as to equipment, facilities and supporting personnel.

¹ Appel, J., Austin, G., Backus, B., Zipoy, J. (2009) *Comparative Analysis of Six Washington Superior Courts*. Olympia: Washington State Center for Court Research.

² The analysis of the adequacy of resources for the Cowlitz County Superior Court necessarily includes the County Clerk's Office. Although an independently elected official, the County Clerk is, by virtue of office, the Clerk of the Superior Court. *Const. Art. IV § 26*. Acting in the capacity of Clerk of the Superior Court, the County Clerk is also therefore necessary to support the judicial branch and the resources dedicated to the support and operation of the Superior Court are subject to the "adequate and sufficient" standard.

In re Juvenile Director, at 245 (1976).

In establishing the “adequate and sufficient” standard, the Supreme Court did not provide a bright line standard by which one could assert, after applying some explicit mathematical calculation, that one dollar less in funding would be inadequate or one dollar more would be sufficient. Rather, the standard requires an analysis that encompasses the totality of the court’s circumstances.

Operating Environment

Before engaging in the analysis, two contextual items warrant recognition:

First, the general financial circumstance of Cowlitz County is dire. County officials report cutting 32 staff positions in December 2008 and 42 more in May 2009. The county reports spending 74% of its general fund on “law and justice.”³ According to a September 2, 2009 local news report, “decreases in real estate taxes and investments are expected to reduce 2010 revenue by about \$930,000 from 2009...and 2011 revenue is expected to remain flat.”⁴

It is appropriate to recognize, and important to note, the difficult challenge faced by the county commissioners who, especially in these unprecedented economic circumstances, must resolve myriad competing interests and priorities. However, the constitutional obligation to provide adequate and sufficient funding for the administration of justice remains.

Second, felony crimes are a significant driver of the Superior Court’s caseload. From 2003 through 2007, Cowlitz County had 18% more felonies reported to law enforcement per capita than the average of the comparison counties. This, combined with a higher case filing rate per reported crime and the unfilled judge position, leads to the stark result that the Cowlitz County Superior court experiences 55% more adult criminal and juvenile offender case filings per judicial officer than in any comparison county.

Neither of these factors ultimately alters the analysis of the adequacy of the courts resources. However, both are significant environmental factors which contribute to the circumstance of the Cowlitz County Superior Court.

³ *Board of Cowlitz County Commissioners’ Minutes April 21, 2009*; “Cowlitz County General Fund Expenditures by Service Area: 2009”, *2009 Amended Budget Message*, p. 5. It should be noted that by the county’s own account, only 15.3% of the general fund budget is devoted to “judicial services” while more than three times that amount (48.5%) is categorized as “security of persons and property”. “Judicial services” include Superior Court, District Court, Family Court, Juvenile Court, Clerk, Courthouse Facilitator Program, and Office of Public Defense. The “Security” category includes Sheriff Extradition Services, Law Enforcement Records, Offender Services, Probation Services, Jail & Jail Concessions, Emergency Management Juvenile Detention, 911 Communications, and Physical Environment.

⁴ “Commissioners get clearer picture of revenue forecast, budgeting demands,” Barbara LaBoe, *The Daily News*, September 2, 2009.

Analysis

Comparing Cowlitz to similar courts

The *Comparative Analysis* shows that, relative both to its peer group and to statewide averages, Cowlitz County Superior Court struggles with too few staff and too few judicial officers for a comparatively large caseload.⁵

In summary, the *Comparative Analysis* shows:

- More cases per capita are filed in Cowlitz County Superior Court than in any other superior court in the state and 46% more than the statewide average.
- 55% more criminal cases per judicial officer are filed in Cowlitz County Superior Court than the average of similar counties.⁶
- Despite this high caseload, Cowlitz County provides one less staff member per judicial officer to process the work than comparable counties.
- Cowlitz County Superior Court staff handled 54% more filings per staff member than the average comparable court in 2008. Although 2009 data are not yet available, it is likely that cuts in staffing levels for 2009 for the Clerk (18.2%) and Juvenile Court (11.4%) have made a difficult situation even worse. That condition may be further exacerbated by the reduction in available work hours for the remaining employees as a result of furloughs.

It is important to emphasize that the court has no ability to control case filings. Filings are, however, an objective and easily understood measure of the court's workload.

In determining the number of judges needed in a given jurisdiction, the Washington State Legislature relies on an objective workload analysis performed by the AOC pursuant to RCW 2.56.030. The resulting judicial needs estimate is a consistent and objective benchmark.

The objective workload analysis shows a need for 5.85 judicial officers for Cowlitz County. Relying on such an analysis, the Legislature authorized a fifth judge in 2006. Cowlitz County has not provided funding for that position and it remains unfilled⁷.

⁵ Neither the *Comparative Analysis* nor this report reaches any conclusion about the adequacy of resources in the comparison counties. The fact that some other jurisdictions may fare better than Cowlitz by comparison should not be viewed as an indication that any represents a "gold standard."

⁶ Includes juvenile offender cases.

⁷ "The additional judicial positions created by section 1 of this act in Clallam and Cowlitz counties are effective only if each county through its duly constituted legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the existing and additional judicial positions as provided by statute and the state Constitution." *Ch. 20, L. 2006 § 2.*

Because judicial and clerical staff expenses make up the lion's share of the budget, there is a direct correlation between the sufficiency of staffing and the adequacy of court funding. As the American Bar Association observed, "reductions in court budgets have a disproportionately negative impact on services since court budgets are overwhelmingly composed of personnel expenses, accounting for 70-90 percent of total court expenditures."⁸ Cowlitz County is no exception.

Although Cowlitz County's case filings are comparatively high, court funding is comparatively low. Funding on a per case basis for Cowlitz County Superior Court in 2008 was 27% less than the average of similar courts. Since Cowlitz was the only county in the comparison group to budget less in 2009 than the court spent in the previous year, today's gap in funding between Cowlitz County and other jurisdictions is probably even greater.⁹

This 27% per case funding gap closely correlates with the unmet judicial need (4.61¹⁰ in Cowlitz vs. 5.85 shown by the objective workload analysis) and staffing per judicial officer (4.36 in Cowlitz vs. 5.36 average of comparison counties).

Operational Impacts

The impact of this resource deficiency on the court and the public is significant and worsening:

- **The case backlog is growing:** Case clearance rates for Cowlitz County have suffered since 2007, a time during which they actually improved in similar jurisdictions. In short, new cases are coming to the court faster than the court can resolve them. As the *Comparative Analysis* indicates, this "suggests that the court's capacity to handle cases has been exceeded and that its backlog of cases is growing."
- **The timeliness of case resolutions is suffering:** The time it takes to resolve cases in Cowlitz County has increased significantly. The proportion of criminal cases resolved within nine months of filing has declined. Cowlitz County once compared favorably to other jurisdictions, but has now dropped significantly below similarly sized courts and the statewide average.

As reported by the court, the impacts of inadequate resources are also reflected in tangible changes to basic operations that impair access to justice and efficient court administration:

⁸ *Funding the Justice System: How are the Courts Funded?*, American Bar Association, p. 25.

⁹ Budget analysis is based on budget and actual expenditure data available in July 2009, including revised and amended 2009 budgets.

¹⁰ Judicial staffing FTE was current as of December 31, 2008. Court Commissioner time was reduced to approximately .2 FTE in May 2009, making the current judicial FTE approximately 4.2 rather than 4.61.

- Budget cuts have forced the court to eliminate mandatory family law settlement conferences which it reports once resulted in the settlement of 85% of dissolution cases before trial. Now the court faces an increasing trial backlog in cases affecting Cowlitz County families.
- Limited clerk and support staff have led to closure of the juvenile court one day per week except for detention hearings.
- One courtroom cannot be used for trials one day per week because courtroom clerks are not available, which also contributes to trial backlog.
- The clerk's office is not able to keep up with document filing. This results in inefficiency when documents are not available to the judge in a timely manner.
- The clerk's office is not able to keep up with state reporting requirements. Most serious is the transmission of child support orders to the Washington State Support Registry. If time requirements are not met, revenue will be lost and the office risks the loss of federal grant money.
- The public waits for service at the clerk's office as much as one hour.
- The clerk's family law facilitator and collection clerks have been shifted to other duties resulting in service reductions and loss of revenue. There is also concern these changes may violate agreements with the state that provides funding for those positions.
- Security for the juvenile court was eliminated, violating the Washington State Courthouse Public Safety Standards, leaving case participants and the public vulnerable to violence and intimidation, and creating liability exposure for the county.¹¹

These are clear and objective indicators which, in addition to the results of the objective workload analysis of judicial needs, demonstrate that the court lacks a sufficient number of judicial officers and supporting staff to effectively administer justice and adjudicate the incoming caseload.

Conclusion

The recent economic downturn has exacerbated the longstanding financial challenges facing Cowlitz County. The Cowlitz County Superior Court has operated for years on

¹¹ After the court directed the sheriff to provide security for proceedings at the Youth Services Center, security for some juvenile court proceedings was re-established in September 2009 using Trial Court Improvement Account funds intended for court improvements and innovations. This is viewed as a temporary measure for 2009 and the future outlook is unclear. Lystra, T., "Sheriff's office to provide security in juvenile court," *The Daily News Online*, September 14, 2009.

the margins, with the need for an additional judge identified as early as 1994¹². This need was formally recognized when the County sought the additional judicial position in 2006. The court has, and continues to operate without the help of paralegals, judicial assistants, or law clerks that help shoulder the load and increase efficiency in some courts. In 2005 the court switched from using court reporters to electronic recording to make the official record. Notably, these are the areas where some courts turn to reduce expenses in tough economic times. In Cowlitz County, these options are no longer available to the court.

The objective data comparing the Cowlitz County Superior Court both to a peer group and courts statewide leads to the inescapable conclusion that resources for Cowlitz County Superior Court are not adequate and sufficient for the holding of court, the efficient administration of justice, and to administer justice "openly and without unnecessary delay."¹³

While no easily defined "bright line" standard exists for determining whether the court has adequate and sufficient resources, Cowlitz County is so far outside the mainstream on nearly every objective measure, that line—however defined—has clearly been crossed.

Author's Note

The Washington Judiciary has long recognized the inadequacy of funding for the State's trial courts. The 2004 Trial Court Funding Taskforce, established under the auspices of the Board for Judicial Administration, concluded that a more balanced sharing of the costs of trial court operations between state and local government should be pursued. The Task Force "recognized that state interests, criminal statutes, and state agencies, including the State Patrol, drive a significant portion of the work of the trial courts. State requirements have driven the cost of the trial courts beyond the funding mechanisms available to local government."¹⁴

Through its Justice in Jeopardy Initiative¹⁵, the judicial branch has vigorously pursued the goal of increasing the state's contribution to the cost of trial court operations toward a goal of 50%. Despite successes in securing state funding in areas such as indigent defense services, district court judge salaries, and parents' representation in termination and dependency proceedings, Washington still ranks last among the 50 states in the

¹² "History of Judicial Position Needs Based On Weighted Caseload Methodology," *Superior Court 1998 Annual Caseload Report*, Administrative Office of the Courts.

¹³ Const. art. I, § 10

¹⁴ *Justice in Jeopardy: The Trial Court Funding Crisis in Washington, State*, Board for Judicial Administration Court Funding Task Force, December 2004, p.13.

¹⁵ The Washington State Association of Counties was an important partner in the Trial Court Funding Task Force and the ensuing Justice in Jeopardy Initiative.

state's contribution toward trial court, prosecution, and indigent defense funding, leaving local governments like Cowlitz County to shoulder 80% of the expense.¹⁶

Ensuring adequate funding for all of Washington's trial courts will, in the long term, only be achieved through the continued partnership of the judiciary, state and local legislative leaders, and other partners in the Justice In Jeopardy Initiative.

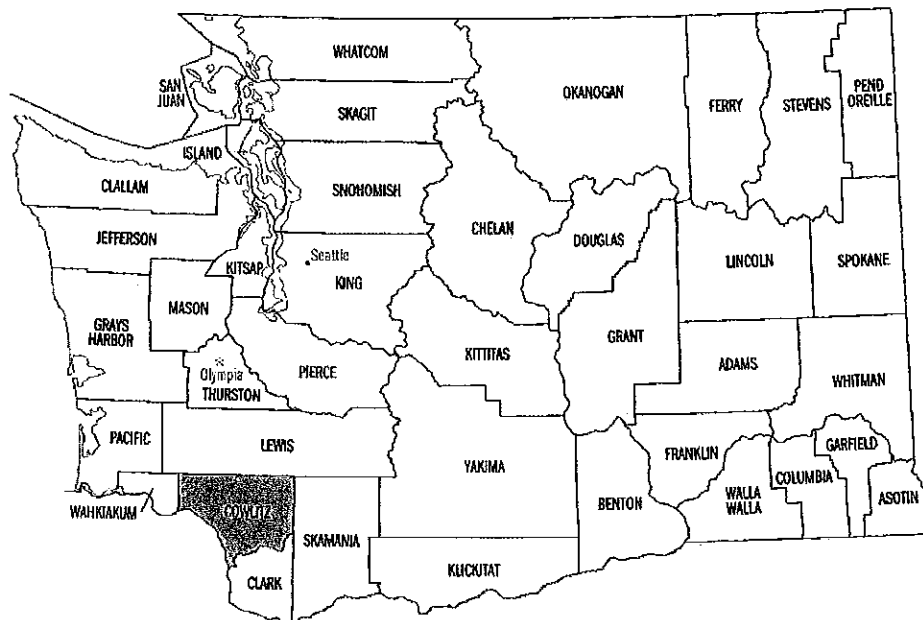
¹ By Dirk A. Marler, Judicial Services Division Director, and Jeffrey E. Hall, State Court Administrator, Administrative Office the Courts, Olympia, WA.

¹⁶ Chief Justice Gerry L. Alexander, "State of the Judiciary", January 16, 2009.



August 2009

Comparative Analysis of Six Washington Superior Courts



Introduction

This study compares and analyzes caseloads, budget and staffing in six superior courts in counties of comparable population. The study resulted from a request in June 2009 by the Cowlitz County Superior Court that the Administrative Office of the Courts (AOC) examine the demands on the court and the resources available compared to other courts. The court was concerned that recent funding changes have negatively impacted its effectiveness.

This research project involved utilizing standard indicators of organizational effectiveness in the courts of Washington, including caseload, budget, and staffing data. The review of caseload data in all six courts addresses time standards required by RCW 2.56.030 (11) as published in the Washington Court Rules, and the review of staffing data addresses judicial needs as produced and published by the AOC. Due to limits in the data available, these gauges were selected as proxy measures addressing the concerns highlighted by Cowlitz County Superior Court.

This project looked at the court's activities over the last five years (with emphasis on the most recent years). It should be noted that this report documents the very recent past. However, at this point in time there is no way to document the impacts of recent budget decisions because data necessary to measure the effects will not be available for a year or more. Complete caseload data will not be available for 2009 until mid-2010.

Citation: Appel, J., Austin, G., Backus, B., Zipoy, J. (2009), *Comparative Analysis of Six Washington Superior Courts*. Olympia: Washington State Center for Court Research

Methods

Comparison Courts

The following jurisdictions were chosen as comparison courts based on county population and total superior court filings: Chelan, Grant, Grays Harbor, Lewis, Skagit, and Whatcom. AOC asked the Cowlitz Superior Court Presiding Judge, the Superior Court Administrator, and the County Clerk to contact their counterparts to describe the project and to inform them that AOC would be contacting them to obtain budget and staffing data. The majority of those contacts were completed by the second week of July. Ultimately, Whatcom was eliminated from the analysis because the data needed were unavailable.

Budget Data

Budget analysis in the report is based on budget and actual expenditure data available in July 2009, including revised and amended 2009 budgets. AOC called the contacts in each jurisdiction to ask them to provide budget and expenditure data for 2007, 2008, and 2009. Information came in over the last two weeks of July in a variety of formats: primarily printed budgets and .pdf files. Because the report was due by mid-August, courts who had not submitted budgets were re-contacted and asked to provide actual expenditure totals for 2007 and 2008 and budget totals for 2009. If budget information could not be obtained directly from the courts and clerk's offices, actual expenditures and budget data were collected from county web sites, where available. All the budget data were entered and compiled by AOC staff (63 sets).

Indigent defense is included in some superior court budgets in some years. In order to try to compare similar data among the comparison jurisdictions, indigent defense amounts were removed from superior court budgets. Capital expenditures were removed from all budgets where it could be identified (generally small amounts under \$20,000). Some, but not all budgets include interfund transfers (payments made for centralized county services such as communications or computer services). However, when data were compared with and without interfund transfers, the difference was not statistically significant. Therefore, interfund transfers were included.

As many budgets were only available at a summary or total level, it was not possible to identify funding sources, such as state funds and grants, other than county funds.

Staffing Data

AOC contacted each jurisdiction to obtain detailed 2008 and 2009 staffing data, and staffing reductions over the previous year. The data were entered and compiled by AOC staff. Staffing data for 2007 were obtained from the Caseloads of the Courts of Washington published by AOC. Staffing to judicial officer ratios were calculated by AOC staff. Cowlitz County Clerk staffing data includes two clerk positions funded from the County's Law & Justice budget.

Judicial Officer Data

Judge and Commissioner FTE data, judicial need data, and the judicial need gap data were obtained from the Caseloads of the Courts of Washington. Judicial need is derived from the objective workload analysis conducted by AOC (see Appendix A).

Caseload Data

Case filing and resolution data, and case processing time standard data were obtained from the Caseloads of the Courts of Washington. Total prosecutor staffing data was obtained from county websites, entered and compiled by AOC staff who then calculated filings per prosecutor. Uniform Crime Report (UCR) data (showing felony reports to law enforcement) were obtained from the Washington State Office of Financial Management (OFM). UCR data were compiled by AOC staff in order to compare crime rates among jurisdictions and compare those rates to filing data.

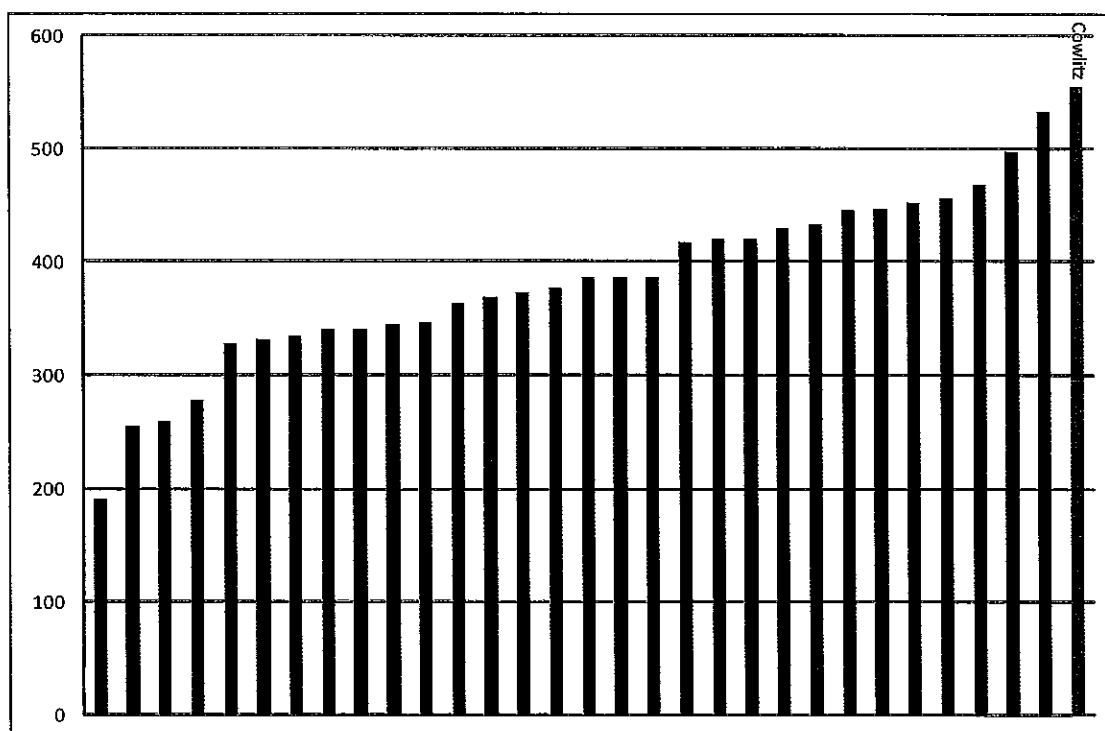
Results - Summary of Findings

1. In 2008 there were more cases filed in Cowlitz County Superior Court per capita than in any other superior court in Washington.
2. Cowlitz Superior Court has the third highest number of cases filed per judicial officer of all superior courts in the state.
3. The judicial needs estimates report produced by the Washington State Center for Court Research in 2008 shows that the Cowlitz Superior Court needs 1.24 more judicial officers than it currently has. An additional judge has been authorized in statute, but neither this judicial position nor the necessary supporting staff has been funded.
4. In 2008, Cowlitz had 4.36 supporting staff per judicial officer compared to the average of 5.36 for the comparison courts. Cuts in the 2009 budget reduced staff in the Cowlitz Clerk's office by 18.2% and in the Juvenile Court by 11.4% below 2008 levels.
5. Cowlitz Superior Court's 2007 and 2008 expenditures show a lower budget to case filing ratio than the average of the comparison courts.
6. From 2003 through 2007, Cowlitz had 18% more felonies reported per capita than the average of the comparison counties, and 55% more felony cases per capita were filed in Cowlitz than in the comparison counties.
7. A higher percentage of the reported felonies resulted in cases being filed than in the comparison counties (27% compared to 24%).
8. Substantially more adult criminal and juvenile offender cases are being filed in Cowlitz Superior Court per judicial officer (55% in 2008) than in the superior court in any comparison county.
9. Substantially more adult criminal and juvenile offender cases are being filed in Cowlitz Superior Court per prosecutor (98% in 2008) than the average of four comparison counties.

Results - Statewide Views

Figure 1. Cases Filed per 10,000 population

Per capita more cases are filed in Cowlitz County Superior Court than in any other superior court in Washington. In 2008, 556 cases per 10,000 population were filed in Cowlitz, 46 % more than the statewide average of 380.

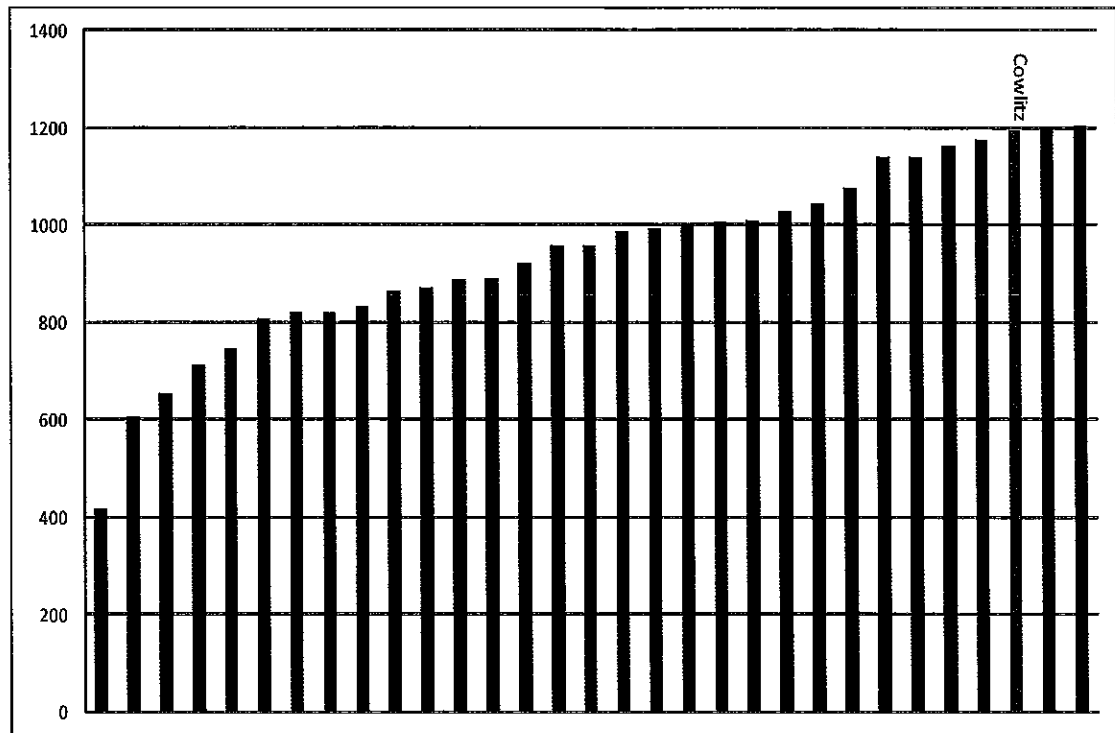


Please Note: All data used to create the charts in this report can be found in Appendix B.

Results - Statewide Views

Figure 2. Filings per Judicial Officer

Compared to other superior courts in 2008, the Cowlitz County Superior Court had the third highest number of cases filed per judicial officer. In 2008, 1193 cases per judicial officer were filed in Cowlitz versus the average statewide of 1016, a 17 % difference.



Results - Court Specific

To get a better understanding of the caseload and resources in Cowlitz, five superior courts in counties with similar populations, case filings, numbers of judicial officers and staff, and characteristics (essentially rural) were chosen to examine in more detail. This section of the report examines how Cowlitz Superior Court compares to these five similar courts.

Because proportionally more criminal cases were filed in Cowlitz than in the comparison counties in the

years studied, the study gathered information on reported felonies and on county prosecutor staff.

The report also provides information on clearance ratios for felonies and on the courts' success in meeting time standards for criminal cases.

Finally, the report looks at the resources available to Cowlitz in relation to the workload expressed in cases filed and compared to the other five courts.

Table 1. Characteristics of the Six Included Courts, 2008

County	2008 Population	2008 Filings	Number of Judges	Number of Commissioners	Total Judicial Officers	Number of Clerk Staff	Number of Court Staff	Number of Juvenile Staff
Chelan	72,100	3,287	3.00	1.00	4.00	19.00	7.00	40.00
Cowlitz	99,000	5,502	4.00	0.61	4.61	22.00	3.20	44.00
Grant	84,600	3,273	3.00	0.75	3.75	16.50	3.00	37.00
Grays Harbor	70,900	3,528	3.00	0.00	3.00	12.00	4.20	28.00
Lewis	74,700	3,328	3.00	1.00	4.00	15.00	7.00	no data
Skagit	117,500	6,265	4.00	1.50	5.50	21.00	11.20	35.10

Results - Court Specific

Figure 3. Gap between Total Judicial Officers and Judicial Needs, 2008

In 2008 Cowlitz had 1.24 fewer judicial officers than judicial needs estimates.

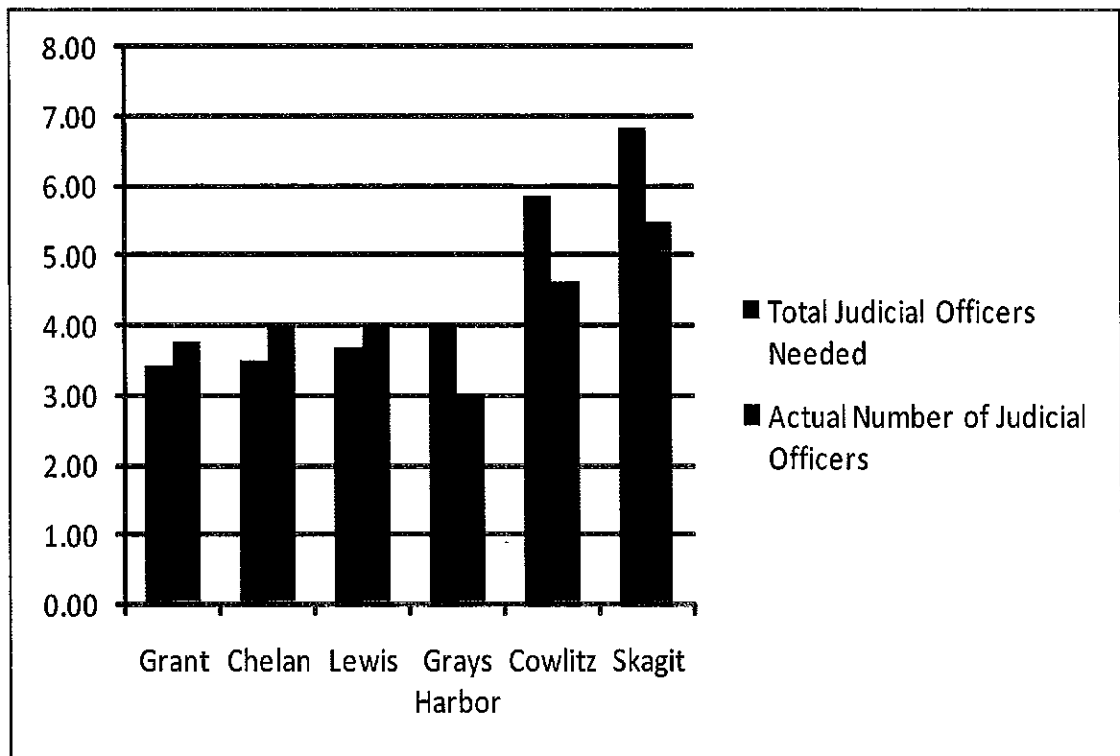
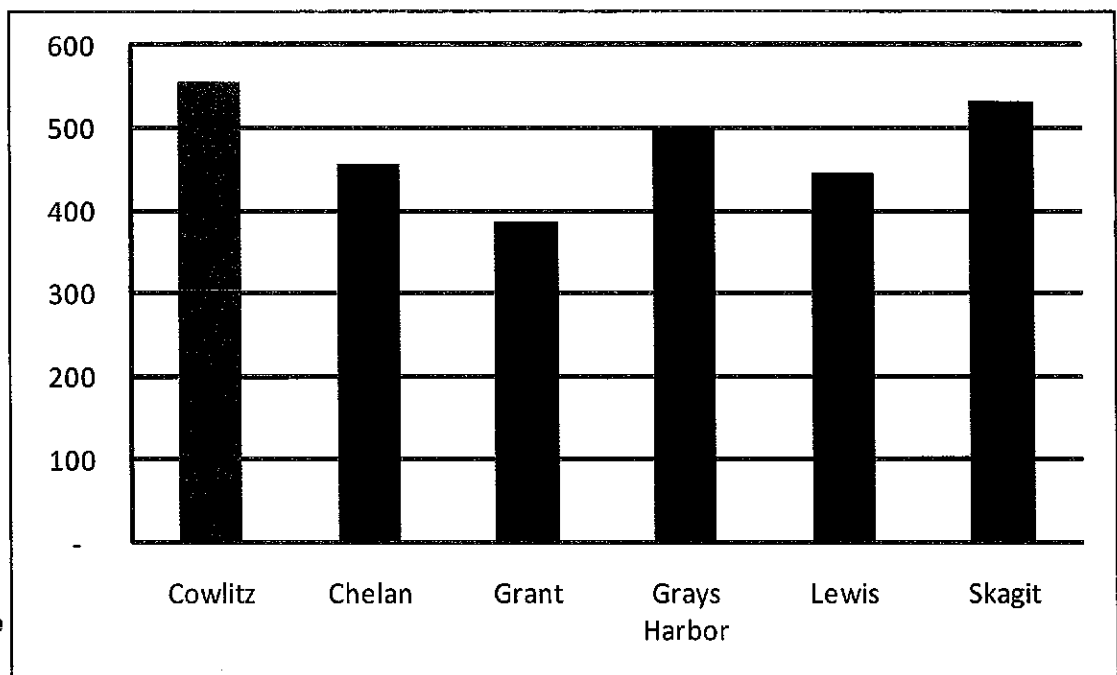


Figure 4. Cases Filed per 10,000 Population, 2008

All of the comparison counties, as well as Cowlitz, had more than the statewide average number of cases (380 per 10,000 population) filed per capita in 2008.



Please Note: A table comparing 2008 filings per 10,000 population across specific case types can be found on page 19 in Appendix B.

Results - Court Specific

Over the five year period (2003 through 2007) Cowlitz had more felonies reported per capita than all but one of the comparison counties. In 2008, Cowlitz had 18 % more reported felonies than the average of the comparison counties and 55 % more felony cases per capita were filed in Cowlitz than in the comparison counties.

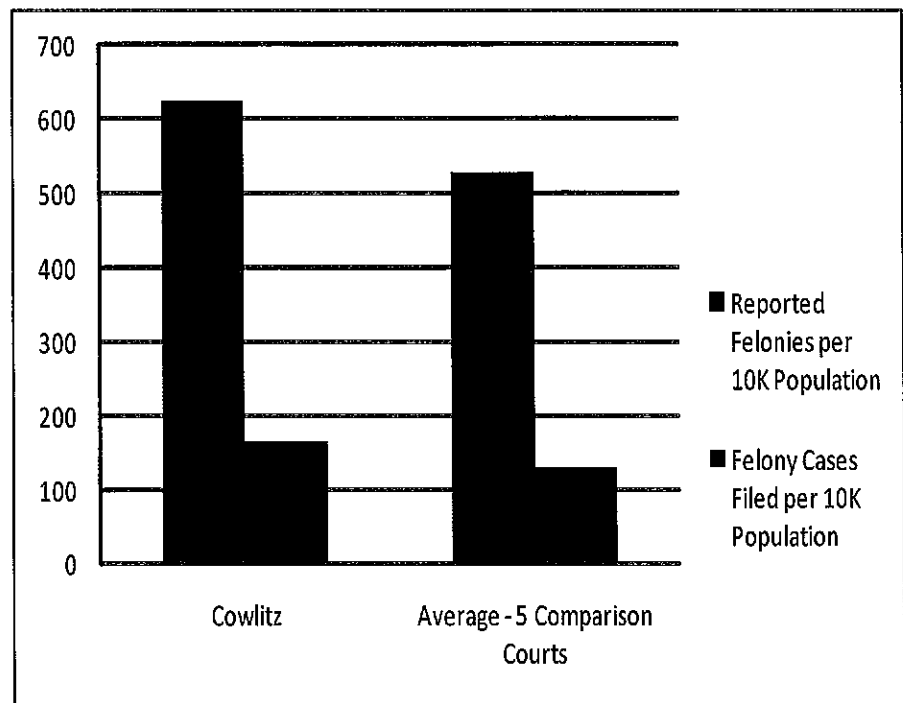


Figure 5. Reported Felonies and Case Counts; 5 Year Average, 2003 - 2007

In addition, in Cowlitz during the five-year period a higher percentage of incidents resulted in cases filed than in the comparison counties. In Cowlitz the number of cases filed was 27 % of reported felonies compared to 24 % in the comparison counties.

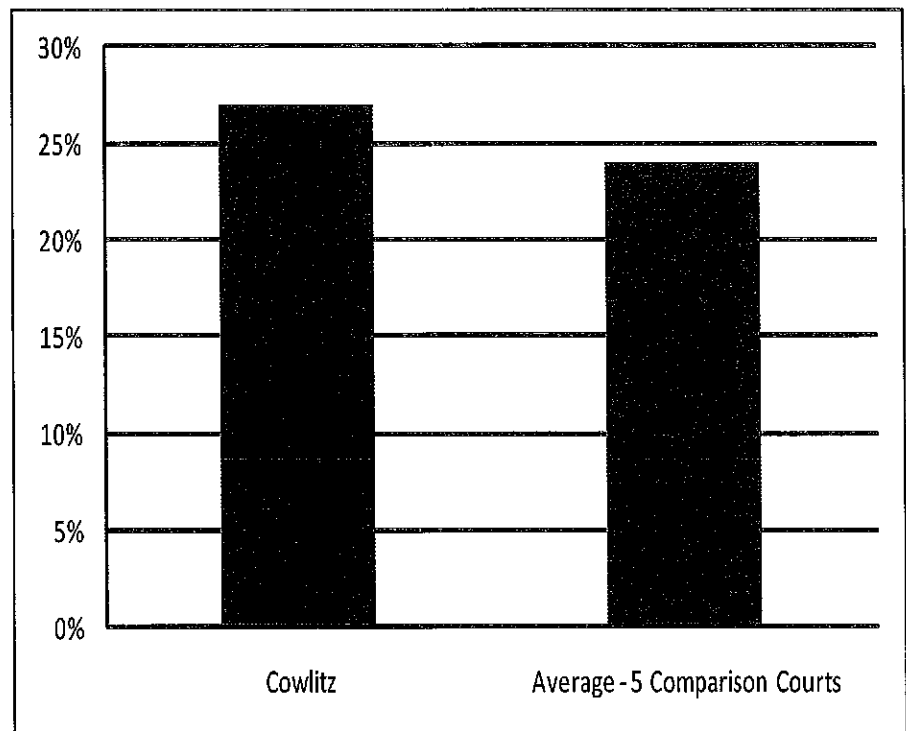


Figure 6. Felony Cases Filed as a Percent of Reported Felonies; 5 Year Average, 2003 - 2007

Results - Court Specific

The clearance ratio is the ratio of cases resolved to cases filed during a given time period. A ratio of less than 1.0 indicates that more cases were filed than resolved. That suggests that the court's capacity to handle cases has been exceeded and that its backlog of cases is growing.

Despite a higher rate of felony case filings, Cowlitz's clearance ratio for felony cases is better than the comparison courts'. However, neither Cowlitz nor any of the comparison courts has met the 1.0 standard during the five year period 2004 through 2008.

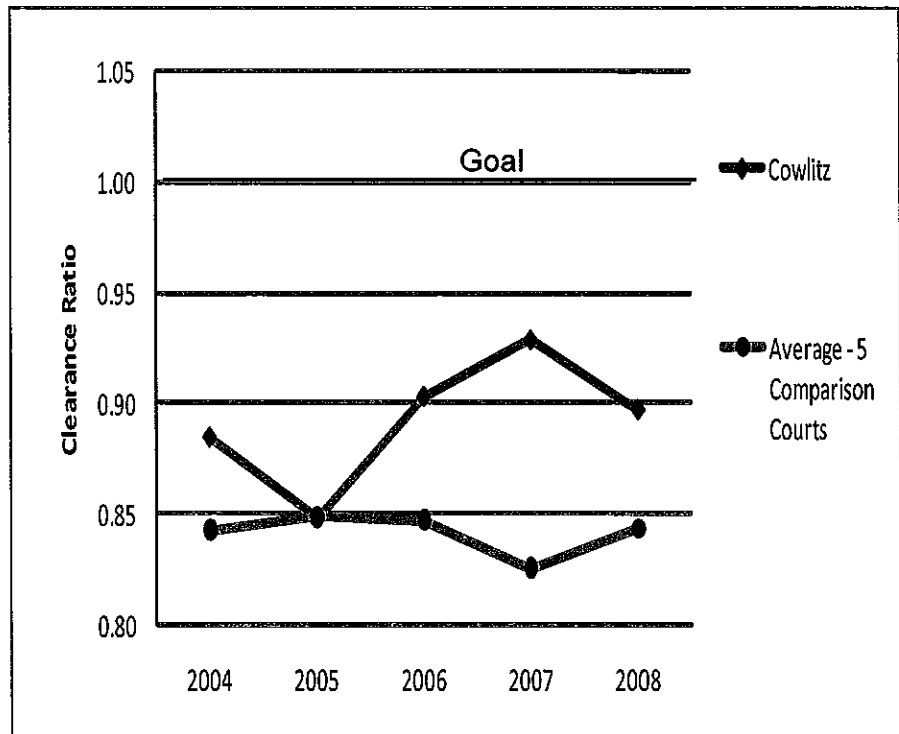


Figure 7. Clearance Ratios for Adult and Juvenile Felonies

Cowlitz Superior Court's clearance ratio for other types of cases has been dropping. It exceeded the standard in 2004, met it in 2005, and fell below in the most recent three years of the period.

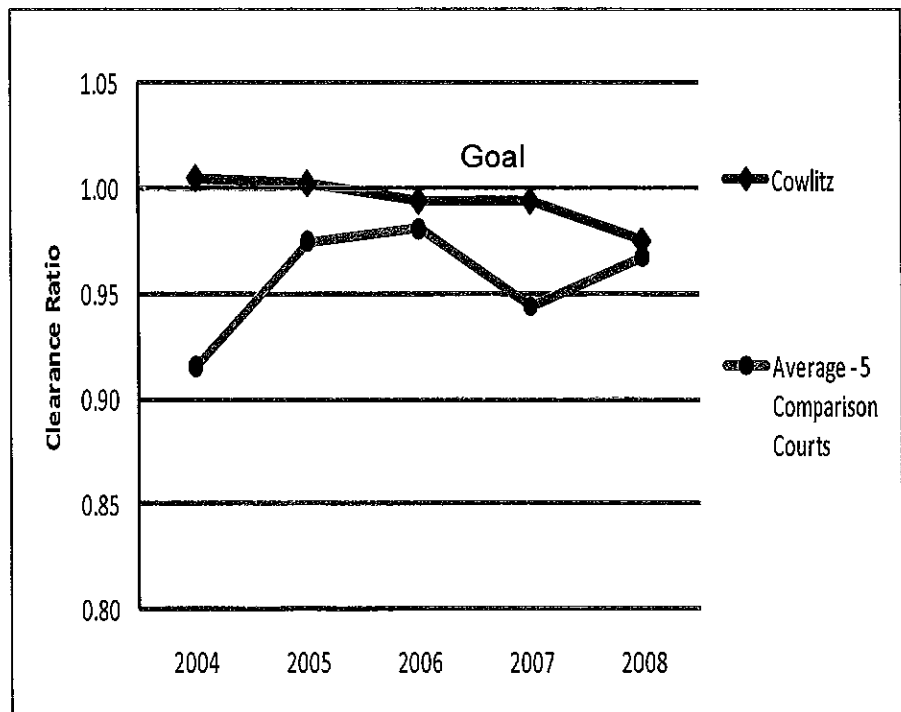


Figure 8. Clearance Ratios for All Other Case Types (No Felonies Included)

Results - Court Specific

Washington Court Advisory Case Processing Time Standards (see Appendix A) provide that 100 % of criminal cases be resolved within nine months from filing. None of the six courts has met this standard in recent years and during most of the five year evaluation period the percentage has dropped. Cowlitz, which had done better than the average comparison court, fell behind in 2008 when it completed only 89 % of its cases within the nine month period.

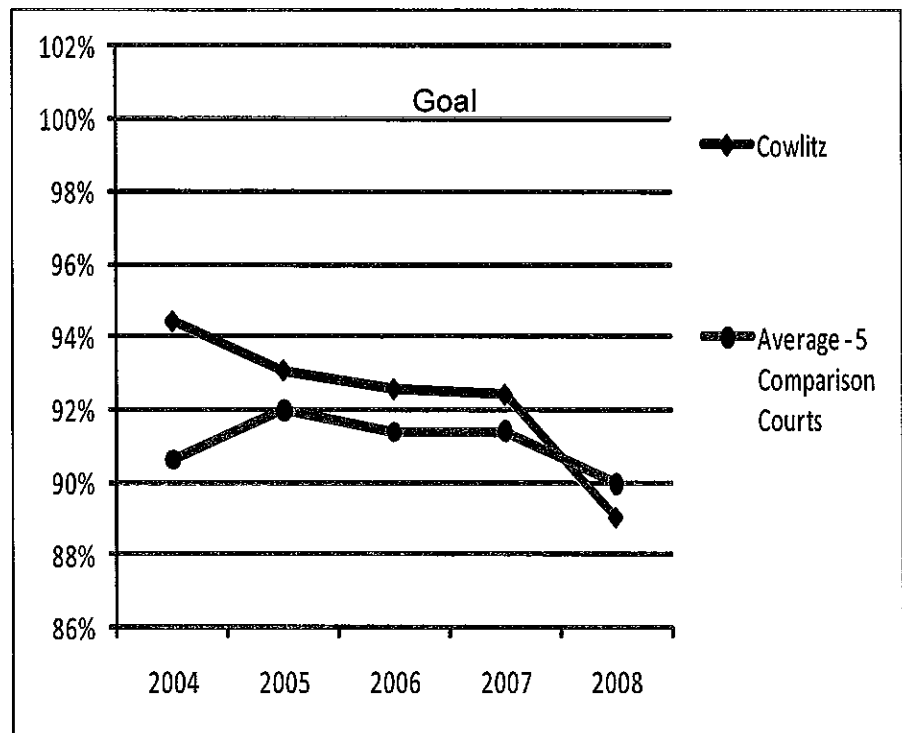


Figure 9. Percentage of Criminal Cases Adjudicated within 9 Months of Filing

In 2007 and 2008 Cowlitz spent less per case filed than the average of the comparison courts. The Cowlitz 2009 budget provides 27 % less per case than the average of the comparison courts, assuming the same rate of filing in 2009 as in 2008.

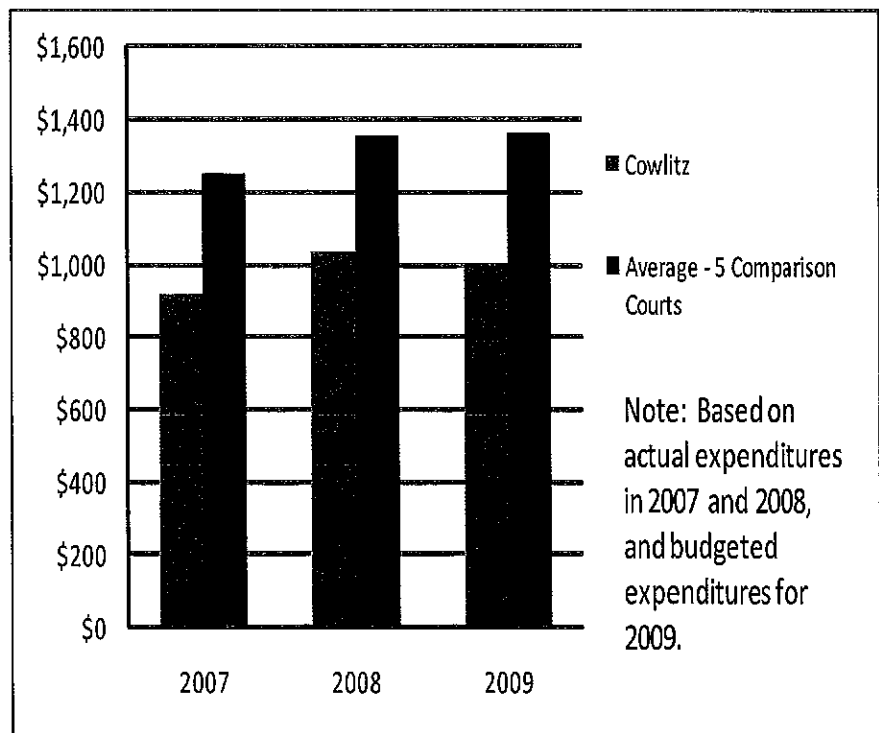


Figure 10. Budget/Expenditures Per Filing

Results - Court Specific

All six courts had more funds available in 2008 than in 2007. Cowlitz is one of three that has less in its 2009 budget than it spent in 2008. Overall the Cowlitz Superior Court (including the County Clerk's Office and the Juvenile Department) has 1.9 % less in its 2009 budget than it spent in 2008.

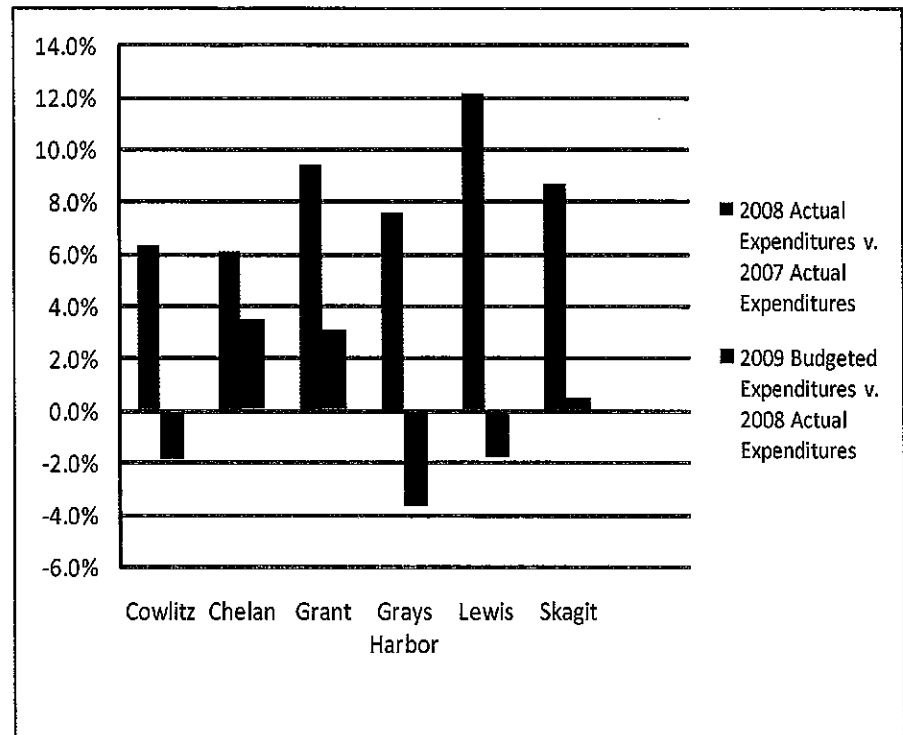


Figure 11. Year To Year Differences in Expenditures and Budgets

In the group of comparison courts Cowlitz ranks among those with the greatest unmet need when the gap is expressed as a percentage of the total judicial needs met. In 2008 Cowlitz had 79 % of the judicial officers needed.

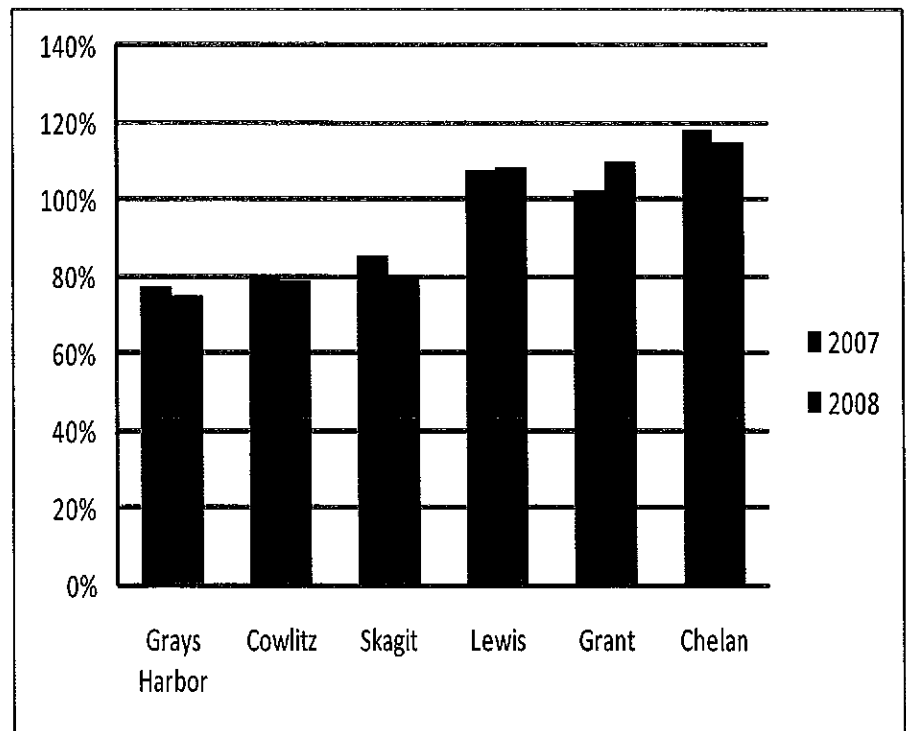


Figure 12. Percent of Judicial Officer Needs Met

Results - Court Specific

In 2008 Cowlitz had 4.36 FTE total (court administration and clerks' office) staff per judicial officer, less than the 5.36 average FTEs for the six comparison courts. Superior court administration staffing in Cowlitz (.69 FTE per judicial officer) ranks substantially below the average staffing for the six comparison counties (1.55 FTE per judicial officer). Clerk's office staffing in Cowlitz (3.66 FTE per judicial officer) also falls below the average for the six comparison courts (3.99 FTE per judicial officer).

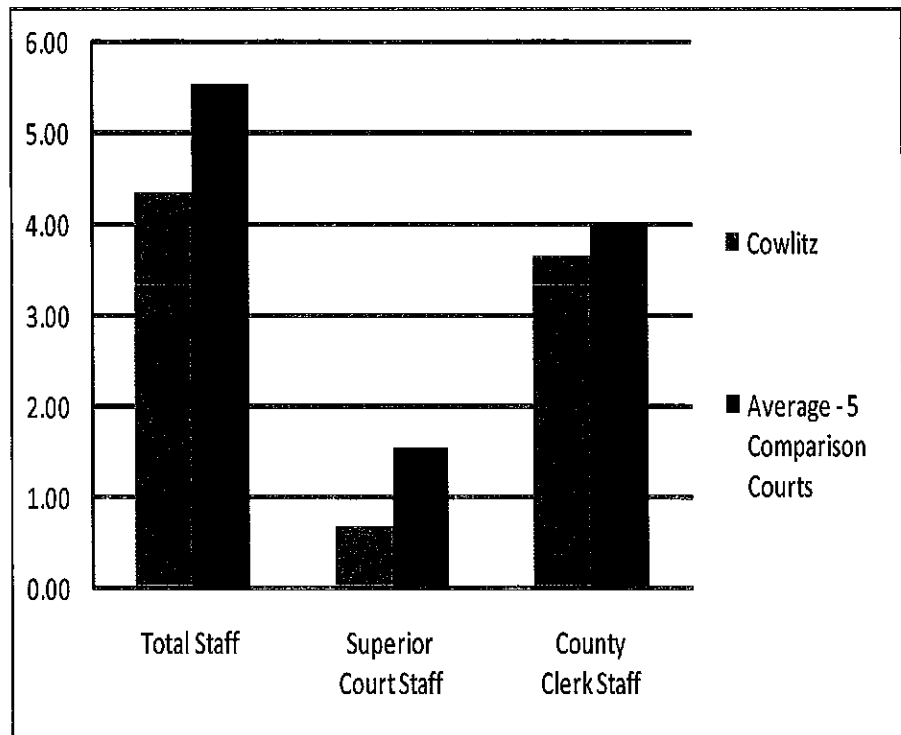


Figure 13. Staff FTE Per Judicial Officer, 2008

In Cowlitz staff cuts in 2009 had substantial impact in the clerk's office (18.2 %) and in the juvenile court (11.4 %)

Note: Courts listing a zero percent loss in staff will artificially lower the average presented (see Appendix B). Of the five comparison courts, three listed a zero percent loss in Clerk staff and in Superior Court staff. For Juvenile staff, two courts listed a zero percent loss and there was no data for a third.

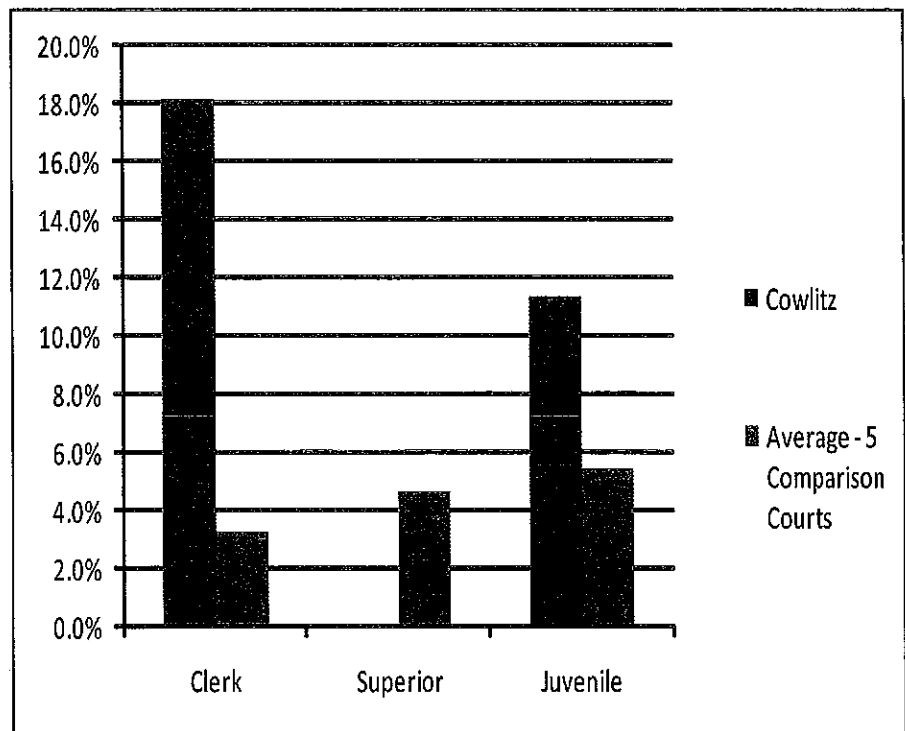


Figure 14. 2009 Staff FTE Losses as a Percent of 2008 Staffing Level

Results - Court Specific

Substantially more criminal, including juvenile offender, cases are being filed in Cowlitz Superior Court per judicial officer than in the superior court in any comparison county. In 2008, 55 % more cases were filed per judicial officer in Cowlitz than in the average of the comparison counties; 70 % more were filed than in the county with the lowest volume per judicial officer; 48 % more were filed than in the county with the next highest volume.

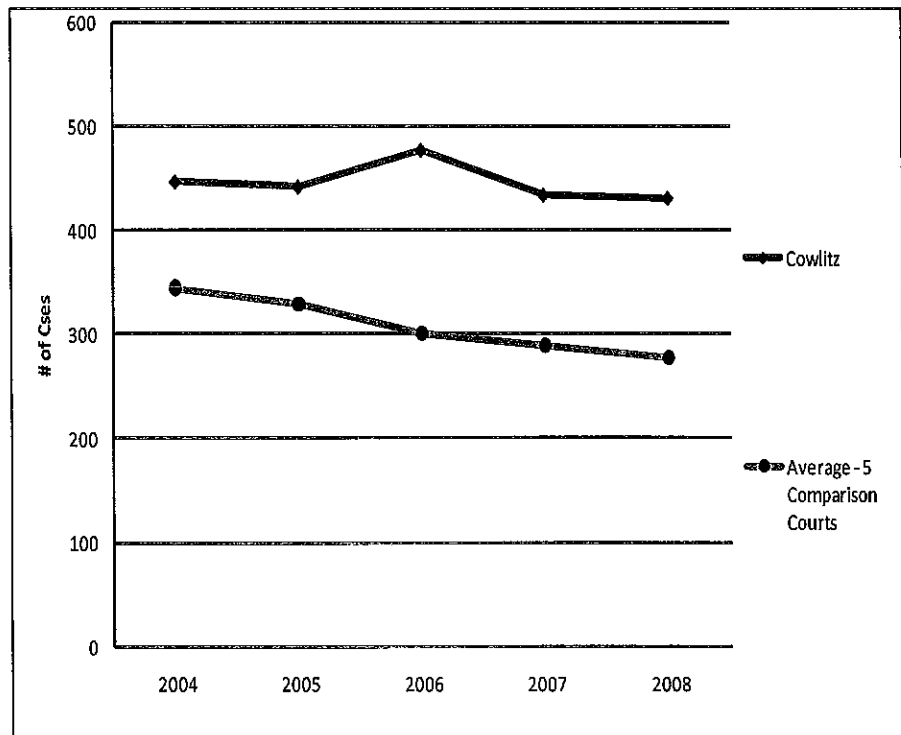


Figure 15. Adult Criminal & Juvenile Offender Cases Filed per Judicial Officer

As with filings per judicial officer, substantially more criminal, including juvenile offender, cases are being filed in Cowlitz Superior Court per prosecutor than in the superior court in any comparison county. (Prosecutor staffing for Cowlitz and four of the comparison counties was found in county websites. Staffing data was not found for the two other counties.) In 2008, 98 % more cases were filed per prosecutor in Cowlitz than in the average of the comparison counties; 117 % more were filed than in the county with the lowest volume per prosecutor; 70 % more were filed than in the county with the next highest volume after Cowlitz.

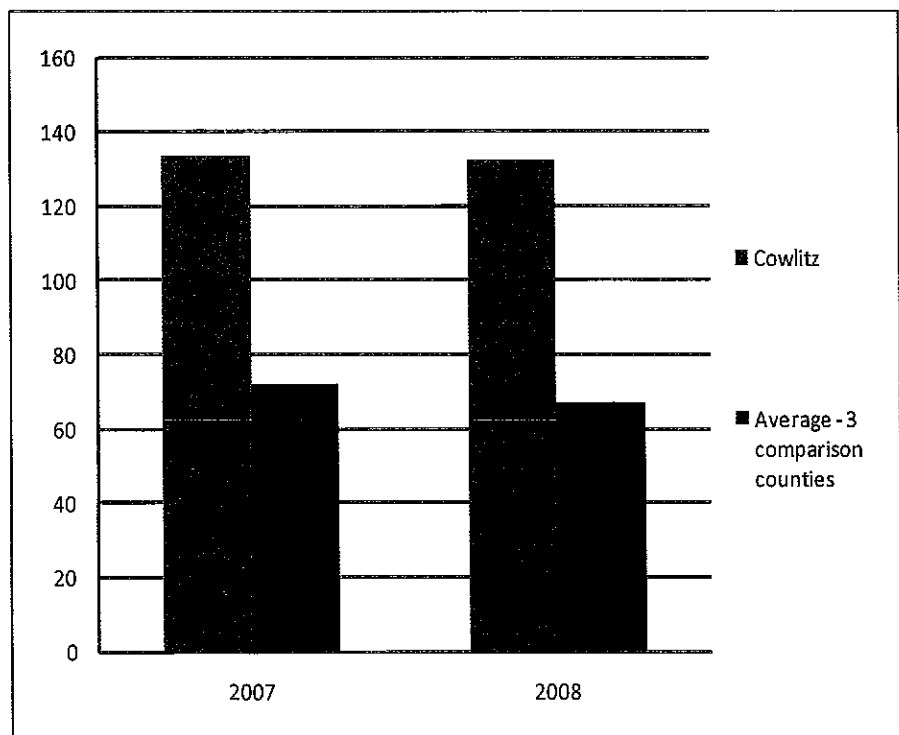


Figure 16. Adult Criminal & Juvenile Offender Cases Filed per Prosecutor

Results - Court Specific

In each of the last five years substantially more cases per judicial officer have been filed in Cowlitz County Superior Court than in the average comparison court. In 2008, filings in Cowlitz were 23 % more than in the average comparison court.

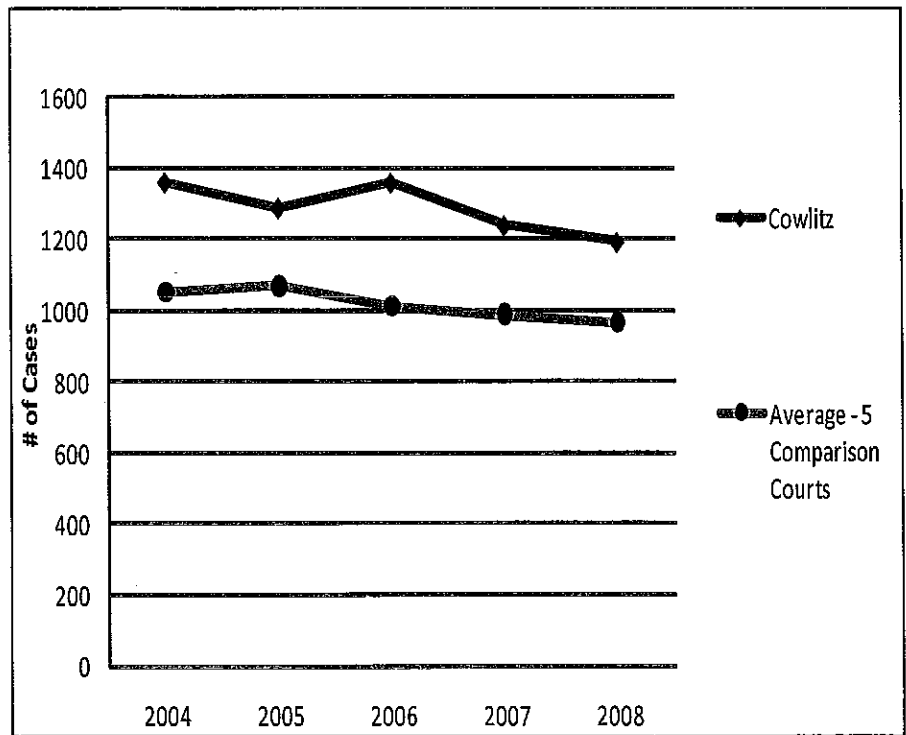


Figure 17. Cases Filed per Judicial Officer

Similarly, during the last five years, more cases per FTE court staff (Superior Court Administration and County Clerk) have been filed in Cowlitz Superior Court than in the average comparison court. In 2008, filings per FTE in Cowlitz were 54 % more than in the average comparison court.

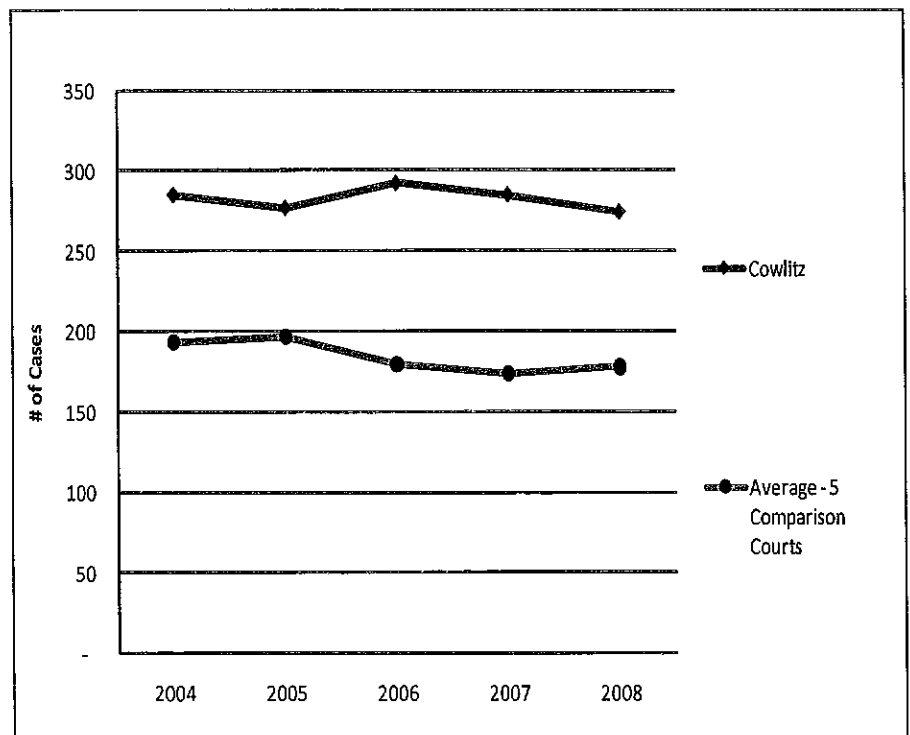


Figure 18. Cases Filed per Total Court Staff

Discussion

This research study shows that the Cowlitz County Superior Court experiences a large volume of case filings compared to other courts in the state and has relatively limited resources to handle this business load. The court is not able to keep up and throughput indicators are declining.

Caseloads: In 2008, more cases were filed in Cowlitz County Superior Court per capita than in any other superior court in Washington, and the court has the third highest number of cases filed per judicial officer. The study found a significantly higher criminal caseload in Cowlitz than in the comparable counties and traces the difference to higher numbers of felonies reported per capita and to significantly higher numbers of cases filed per prosecutor.

From 2003 through 2007, Cowlitz had 18% more felonies reported per capita than the average of the comparison counties, and 27% more felony cases per capita were filed in Cowlitz than in the comparison counties. In addition, a higher percentage of the reported felonies resulted in cases being filed than in the comparison counties (27% compared to 24%). This points to law enforcement policies and prosecutor filing practices that are aggressive and not supported with sufficient court resources.

Substantially more adult criminal and juvenile offender cases are being filed in Cowlitz Superior Court per judicial officer (55% in 2008) than in the superior court in any comparison county. In addition, substantially more adult criminal and juvenile offender cases are being filed in Cowlitz Superior Court per prosecutor (98% in 2008) than the average of four comparison counties. Overall, during the study period substantially more cases per judicial officer and per FTE court staff were filed in Cowlitz than in the average comparison county.

Throughput: The study indicates that Cowlitz's ability to handle the caseload has not been adequate and is weakening further. Neither Cowlitz nor any of the comparison courts has met the 1.0 clearance ratio* standard during the five year period 2004 - 2008. Nevertheless, despite a higher rate of felony case filings, Cowlitz's clearance ratio for felony cases has been better than the comparison courts'. However, Cowlitz's clearance ratio for criminal cases dropped

significantly in 2008 and the ratio for other types of cases has been dropping. It exceeded the standard in 2004, met it in 2005, and fell below in the most recent three years of the period, suggesting that as the court tried to meet the felony clearance ratio standard, the clearance ratio for other case types slipped.

In recent years none of the courts studied has met the Washington Court Advisory Case Processing Time Standard that 100 % of criminal cases be resolved within nine months from filing. During most of the five year evaluation period the percentage dropped for these courts. The rate in Cowlitz dropped each year during the 2004-2008 evaluation period. In the first years of the period Cowlitz did better than the average of the comparison courts, but it fell behind in 2008 when it completed only 89 % of its cases within the nine month period.

Resources: In spite of higher than average case filings Cowlitz ranks below the average comparison court both in judicial officer and administrative staffing. In 2008 Cowlitz had 1.24 fewer judicial officers than judicial needs estimates. An additional judge has been authorized in statute, but neither this judicial position nor the necessary supporting staff* has been funded.

There is also a lower staff to judge ratio in Cowlitz than in the comparison courts. In 2008 Cowlitz had 4.36 supporting staff per judicial officer compared to the average of 5.36 for the comparison courts. Cases filed per FTE court staff were 54% higher than in the average comparison court. The lower than average judicial officer and staff to caseload ratios are reflected in the Cowlitz Superior Court's 2007 and 2008 expenditures which show a lower budget to case filing ratio than the average of the comparison courts analyzed for this study. Further, staff cuts in the 2009 budget had substantial impact in the Cowlitz Clerk's office (18.2% reduction in staff) and in the juvenile court (11.4%). As a result, Cowlitz Superior Court's capacity to process cases is negatively impacted.

These and other findings detailed in the report are likely to be further negatively impacted by the budget cuts imposed in 2009. However, data to measure that impact and any resulting trends in case processing will not be available for some time.

* The clearance ratio is the ratio of cases resolved to cases filed during a given time period. A ratio of less than 1.0 indicates that more cases were filed than resolved. That suggests that the court's capacity to handle cases has been exceeded and that its backlog of cases is growing.

** Superior Court administrative staff and County Clerk staff

If you have questions about this report, please contact
Dirk Marler, Director of AOC's Judicial Services
Division, at dirk.marler@courts.wa.gov.

APPENDIX A: Standard Effectiveness Measures

Caseloads of the Courts of Washington

AOC was created in 1957 with a primary mission to report on the caseloads of the courts of Washington. The caseload tables, available on the Washington Courts web site for the years 1998 – 2008, summarize caseloads of Washington courts. Data are drawn from the Judicial Information System (JIS), a statewide system of computer applications employed by the courts for recording and processing cases. The Supreme Court, all three divisions of the Court of Appeals, and all Washington State superior courts and courts of limited jurisdiction are represented in these automated databases and statistical tables.

Time Standards

The case-processing time standards were adopted by the BJA as an objective means for courts to measure the pace of cases from filing to resolution. They are published in the Washington Court Rules. The intent is to provide the trial courts with advisory standards to assist the courts in developing internal goals that can and should be reached and maintained.

Washington State's case processing time standards address two phases in the life of a case: (1) the period from filing to resolution, and (2) the period from case resolution to completion. Case "resolution" is defined as the adjudication or settlement of all issues in a case (via plea, trial verdict, notice of settlement, oral order, et cetera). Resolution occurs when the case is "tried, settled, or otherwise concluded." Case "completion" is defined as the filing of final dispositive documents with the Clerk.

Judicial Needs

The Administrator for the Courts, under the supervision and direction of the Chief Justice, is required to examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis is reviewed by the BJA which then makes recommendations to the legislature. It is the intent of the legislature that the objective workload analysis become the basis for creating additional district and superior court positions, and recommendations address that objective. See Powers and Duties of the Administrator for the Courts, RCW 2.56.030(11).

Chapter 2.08 RCW specifies the number of superior court judges authorized for each county. Individual counties or judicial districts may choose to establish and fund court commissioner positions instead of superior court judge positions.

APPENDIX B: Data Tables

Since comparison courts are presented as an average, it may be useful to be able to directly compare county by county, but multiple counties are not clearly presentable in graphic form. Therefore, data for all charts and graphs has been included below for reference. Lincoln County has been excluded because of caseload anomalies.

Figure 1. Cases Filed per 10,000 population

	Filings
Whitman	191
Douglas	255
San Juan	260
Island	277
King	328
Kittitas	332
Ferry/Stevens/PendOreille	335
Adams	341
Whatcom	341
Clark	345
Snohomish	346
Jefferson	364
Pacific/Wahkiakum	369
Kitsap	373
Klickitat/Skamania	377
Mason	386
Okanogan	386
Grant	387
Thurston	417
Benton/Franklin	419
Walla Walla	419
Asotin/Columbia/Garfield	430
Pierce	433
Lewis	446
Spokane	447
Clallam	452
Chelan	456
Yakima	468
Grays Harbor	498
Skagit	533
Cowlitz	556

Figure 2. Filings per Judicial Officer, 2008

	Filings
San Juan	418
Adams	607
Kittitas	653
Mason	712
Clallam	745
Jefferson	806
Whitman	820
Chelan	821
Lewis	832
Douglas	866
Grant	872
Ferry/Stevens/PendOreille	886
Asotin/Columbia/Garfield	891
King	922
Pacific/Wahkiakum	957
Whatcom	958
Yakima	986
Okanogan	992
Island	999
Thurston	1005
Kitsap	1010
Klickitat/Skamania	1027
Walla Walla	1045
Clark	1076
Skagit	1139
Spokane	1139
Benton/Franklin	1163
Grays Harbor	1176
Cowlitz	1193
Pierce	1202
Snohomish	1204

APPENDIX B: Data Tables

Figure 3. Gap between Total Judicial Officers and Judicial Needs, 2008

	Number of Judicial Officers Needed	Number of Current Judicial Officers	Gap
Grant	3.42	3.75	0.33
Chelan	3.48	4	0.52
Lewis	3.69	4	0.31
Grays Harbor	4.00	3	-1.00
Cowlitz	5.85	4.61	-1.24
Skagit	6.84	5.5	-1.34

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Figure 4. Cases Filed per 10,000 Population in 2008

	Number of Cases
Cowlitz	556
Chelan	456
Grant	387
Grays Harbor	498
Lewis	446
Skagit	533

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Figure 5. Reported Felonies and Case Counts; 5 Year Average, 2003 - 2007

	Reports per 10K Population	Felony Cases Filed per 10K Population
Cowlitz	625	167
Chelan	433	126
Grant	570	146
Grays Harbor	516	120
Lewis	442	157
Skagit	678	110
Average	528	132

Figure 6. Felony Cases Filed as a Percent of Reported Felonies; 5 Year Average, 2003 - 2007

	Percent
Cowlitz	23%
Chelan	20%
Grant	19%
Grays Harbor	19%
Lewis	28%
Skagit	13%
Average	24%

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Figure 7. Clearance Ratios for Adult and Juvenile Felonies

	2004	2005	2006	2007	2008
Cowlitz	0.88	0.85	0.90	0.93	0.90
Average	0.84	0.85	0.85	0.83	0.84
Chelan	0.91	0.89	0.87	0.84	0.82
Grant	0.78	0.77	0.72	0.78	0.74
Grays Harbor	0.92	0.90	0.93	0.96	0.87
Lewis	0.90	0.90	0.87	0.80	0.87
Skagit	0.75	0.81	0.87	0.80	0.90

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Figure 8. Clearance Ratios for All Other Case Types (No Felonies Included)

	2004	2005	2006	2007	2008
Cowlitz	1.00	1.00	0.99	0.99	0.98
Average	0.92	0.97	0.98	0.94	0.97
Chelan	1.01	1.04	0.99	0.87	1.09
Grant	0.85	1.13	0.96	1.00	0.95
Grays Harbor	0.92	1.03	0.89	1.05	0.95
Lewis	0.89	1.14	0.94	1.00	0.84
Skagit	0.91	1.21	1.05	0.99	1.03

APPENDIX B: Data Tables

Figure 9. Percentage of Criminal Cases Adjudicated within 9 Months of Filing

	2004	2005	2006	2007	2008
Cowlitz	94%	93%	93%	92%	89%
Chelan	79%	94%	96%	95%	93%
Grant	96%	95%	95%	94%	91%
Grays Harbor	96%	95%	97%	94%	94%
Lewis	94%	93%	90%	89%	88%
Skagit	89%	82%	79%	85%	83%
Average	91%	92%	91%	91%	90%

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Figure 10. Budget/Expenditures Per Filing

	2007	2008	2009
Cowlitz	\$916	\$1,034	\$994
Average	\$1,250	\$1,358	\$1,362
Chelan	\$1,450	\$1,498	\$1,550
Grant	\$1,253	\$1,256	\$1,295
Grays Harbor	\$1,123	\$1,268	\$1,221
Lewis	\$1,381	\$1,585	\$1,557
Skagit	\$1,042	\$1,182	\$1,188

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Figure 11. Year To Year Differences in Expenditures and Budgets

	2008 Actual Expenditures v. 2007 Actual Expenditures	2009 Budgeted Expenditures v. 2008 Actual Expenditures
Cowlitz	6.3%	-1.9%
Chelan	6.1%	3.5%
Grant	9.4%	3.1%
Grays Harbor	7.6%	-3.7%
Lewis	12.2%	-1.8%
Skagit	8.7%	0.5%

Figure 12. Percent of Judicial Officer Needs Met

	2007	2008
Grays Harbor	78%	75%
Cowlitz	80%	79%
Skagit	85%	80%
Lewis	108%	108%
Grant	102%	110%
Chelan	118%	115%

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Figure 13. FTE Staff Per Judicial Officer, 2008

	Total Staff per JO	Superior Ct Staff per JO	Clerk Staff per JO
Cowlitz	4.36	0.69	3.66
Average	5.54	1.55	3.99
Chelan	6.3	1.75	4.50
Grant	5.6	0.80	4.80
Grays Harbor	4.7	1.40	3.33
Lewis	5.3	1.75	3.50
Skagit	5.9	2.04	3.82

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Figure 14. 2009 Staff FTE Losses as a Percent of 2008 Staffing Level

	Clerk	Superior	Juvenile
Cowlitz	18.2%	0.0%	11.4%
Average	3.2%	4.6%	5.4%
Chelan	7.9%	14.3%	7.5%
Grant	0.0%	0.0%	0.0%
Grays Harbor	8.3%	0.0%	14.3%
Lewis	0.0%	0.0%	no data
Skagit	0.0%	8.9%	0.0%

APPENDIX B: Data Tables

Figure 15. Adult Criminal & Juvenile Offender Cases Filed per Judicial Officer

	2004	2005	2006	2007	2008
Cowlitz	446	441	477	433	430
Average	344	329	301	289	277
Chelan	255	240	272	270	253
Grant	437	414	320	245	280
Grays Harbor	348	339	340	318	288
Lewis	335	328	277	280	290
Skagit	347	324	296	330	275

Figure 18. Cases Filed per Total Court Staff

	2004	2005	2006	2007	2008
Cowlitz	285	277	292	285	274
Average	193	196	179	174	178
Chelan	136	146	128	133	131
Grant	162	163	148	125	156
Grays Harbor	268	263	251	247	248
Lewis	199	197	182	159	158
Skagit	202	212	189	204	195

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Figure 16. Adult Criminal & Juvenile Offender Cases Filed per Prosecutor

	2007	2008
Cowlitz	133	133
Average - 3 comparison counties)	72	67
Chelan	83	78
Grays Harbor	68	62
Lewis	66	61

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Figure 17. Cases Filed per Judicial Officer

	2004	2005	2006	2007	2008
Cowlitz	1361	1289	1360	1240	1193
Average	1052	1069	1014	989	968
Chelan	807	841	767	800	821
Grant	1007	1010	885	799	872
Grays Harbor	1250	1229	1170	1235	1176
Lewis	939	932	860	851	832
Skagit	1259	1333	1386	1262	1139

APPENDIX C: 2008 Filings by Case Type per 10,000 Population

	<i>Criminal¹</i>	<i>Civil²</i>	<i>Probate/ Guardianship</i>	<i>Mental Illness & Alcohol</i>
Cowlitz	133.9	147.9	29.6	12.6
Chelan	83.9	118.6	44.0	0.6
Grant	93.7	111.7	20.7	5.8
Grays Harbor	88.3	150.6	33.7	0.6
Lewis	118.1	136.5	34.4	0.9
Skagit	86.6	124.3	34.9	103.8

	<i>Domestic</i>	<i>Parentage³</i>	<i>Adoption</i>	<i>Dependency⁴</i>
Cowlitz	68.7	12.4	9.1	21.1
Chelan	81.1	12.2	4.0	16.6
Grant	56.5	19.9	6.5	18.2
Grays Harbor	76.9	19.2	6.2	46.1
Lewis	59.7	16.9	4.6	14.7
Skagit	62.7	12.4	4.7	19.8

	<i>Truancy</i>	<i>Juvenile Offender¹</i>	<i>Total</i>
Cowlitz	53.5	66.9	555.8
Chelan	38.0	56.9	455.9
Grant	23.0	30.9	386.9
Grays Harbor	42.2	33.9	497.6
Lewis	22.2	37.5	445.5
Skagit	41.3	42.7	533.2

NOTE:

1. Adult Criminal and Juvenile Offender filings exclude non-charge cases.
2. Civil filings exclude "other matters" cases.
3. Parentage filings exclude confidential name changes and pre-placement reports filed.
4. Dependency filings exclude truancy filings.

APPENDIX D: SELECTED STATUTES AFFECTING COURT COSTS

Superior Court Costs Mandated by Law:

Jury and witness fees

RCW 2.40.010, 2.40.020, 2.36.050, RCW 10.46.230. Payable by the county, reimbursed by Administrative Office of the Courts (AOC)

Jury Meals and Lodging

RCW 4.44.310, County expense at discretion of the Judge

Court Commissioners

Article IV, Sec. 23 Washington State Constitution, RCW 2.24.010-030

Interpreters

RCW 2.42.120 (hearing impaired), RCW 2.43.040 (non-English speaking)

Guardians ad Litem (incapacitated persons)

RCW 11.88.090

Guardians ad Litem, attorneys

RCW 26.09.110, 26.26.555, General Rule 33

Extra Help, Bailiffs

RCW 2.32.330-370

Courthouse and Courtroom Expenses and Maintenance

RCW 2.28.139-140, 2.16.010-040, 2.32.180, 13.04.033, RAP 9.1-9.2

Sexually Violent Predators

RCW 71.09.050 (State Pass-Through Funds)

Family Court (not mandated)

RCW 26.12.175 (Guardian ad Litem)

Drug Court (not mandated)

RCW 2.28.170 (partially funded by CTED and HIDTA grants)

Superior Court Family & Juvenile Court Improvement Project (not mandated)

RCW 2.56.030 (Grant)

Juvenile Department (Probation and Detention) Mandated Costs:

Juvenile Court Administrator

RCW 13.04.035

Probation Counselors

RCW 13.04.040

Supplies, Utilities

RCW 13.04.050, 13.04.135, 13.16.040, 2.28.139-140

Professional Services Contract Services

RCW 13.40.038, 13.40.160, 13.40.165, 13.40.167

Extraordinary Trial Expense

RCW 13.40.140

Guardian ad litem

RCW 13.32A.170, 13.34.100

Witness Fees

RCW 13.40.140

Juvenile Detention

RCW 13.16.040 (Mandatory function of counties)

EXPLANATION OF INFLATIONARY CALCULATIONS

CPI Inflation Calculator from Bureau of Labor & Statistics*

Formula = \$N in 2005 has the same buying power as \$N in 2009

The following fees were used for the inflationary calculations:

- (A) The existing fee in 1992 if the fee was raised in 1992 or earlier - adjusted for inflation for 2005 and 2009 OR
- (B) The existing fee from the last year the fee was increased if the increase was after 1992 but before 2005 - adjusted for inflation for 2005 and 2009 AND
- (C) The existing fee in 2005, regardless of whether that fee was increased in 2005 - adjusted for inflation for 2009

Example -

Courts of Limited Jurisdiction Civil Filing Fee

\$31 in 1992 has the same buying power as \$43.15 in 2005

\$31 in 1992 has the same buying power as \$47.58 in 2009

\$43 in 2005 has the same buying power as \$47.41 in 2009

Superior Courts Civil Filing Fee

\$110 in 1992 has the same buying power as \$153.12 in 2005

\$110 in 1992 has the same buying power as \$168.84 in 2009

\$200 in 2005 has the same buying power as \$220.53 in 2009

*About the CPI Inflation Calculator - (see <http://data.bls.gov/cgi-bin/cpicalc.pl>) -

"The CPI inflation calculator uses the average Consumer Price Index for a given calendar year. This data represents changes in prices of all goods and services purchased for consumption by urban households. This index value has been calculated every year since 1913. For the current year, the latest monthly index value is used."

Note: This calculation is not Washington/Seattle-specific but is based on the national CPI.

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Appellate Filing Fee	Appeal	\$250	Pre1992 - \$125 1992 - \$250	1992-2005= \$174.00 1992-2009= \$191.87 2005-2009= \$275.67	100% state	RCW 2.32.070
Copies of Opinions		\$.20 per folio		2005-2009= \$.22		
Admission to Practice Certificate		\$5		2005-2009= \$5.51		
Review of decision terminating review		\$200	Pre1992 - \$100 1992 - \$200	1992-2005= \$139.20 1992-2009= \$153.49 2005-2009= \$220.53		
Civil Filing Fee	CLJ	\$43 + \$20 JSTA surcharge (plus any surcharge authorized by RCW 7.75.035)	1961 - \$4 1969 - \$6 1980 - \$12 1981 - \$20 1987 - \$25 1990 - surcharge 1992 - \$31 (plus \$10 DRC surcharge in many counties) 2005 - \$43 2009 - \$20 JSTA	1992-2005= \$43.15 1992-2009= \$47.58 2005-2009= \$47.41	48.63% local 19.37% law library 32% state JSTA surcharge not subject to above split – 100% state.	RCW 3.62.060(1)
Counter Cross Third Party		\$43 +\$20 JSTA surcharge				

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Writ or Garnishment Fee	CLJ	\$12	1992 - \$6 2005 - \$12	1992-2005= \$8.35 1992-2009= \$9.21 2005-2009= \$13.23	68% local 32% state	RCW 3.62.060(2)
Supplemental Proceeding	CLJ	\$20	1992 - \$12 2005 - \$20	1992-2005= \$16.70 1992-2009= \$18.42 2005-2009= \$22.05	68% local 32% state	RCW 3.62.060(3)
Jury Demand Fee - Civil	CLJ	\$125	1992 - \$50 2005 - \$125	1992-2005= \$69.60 1992-2009= \$76.75 2005-2009= \$137.83	68% local 32% state	RCW 3.62.060(4)
Transcript Preparation Fee	CLJ	\$20	1992 - \$6 2005 - \$20	1992-2005= \$8.35 1992-2009= \$9.21 2005-2009= \$22.65	68% local 32% state	RCW 3.62.060(5)
Document certification	CLJ	\$5	1992 - \$5	1992-2005= \$6.96 1992-2009= \$7.67	68% local 32% state	RCW 3.62.060(6)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Certified Copy	CLJ	\$5 for 1 st page \$1 for each additional page	2009		68% local 32% state	RCW 3.62.060(7)
Authentication		\$2/page with seal \$0.50/page w/o seal				
Copying a document w/o seal		\$.25/page				
Copies made to CD		\$20				
Preparing Record	CLJ	\$40 plus cost of tape duplication	1992 - \$40	1992-2005= \$55.68 1992-2009= \$61.40	68% local 32% state	RCW 3.62.060(8)
Ex parte orders, searches, reports	CLJ	\$20/hr or portion	2009		68% local 32% state	RCW 3.62.060(9)
Duplication of tape	CLJ	\$10	1992 - \$10	1992-2005= \$13.92 1992-2009= \$15.35	68% local 32% state	RCW 3.62.060(10)
Abstract of judgment	CLJ	\$43	2007 - \$43	2007-2009= \$44.66	68% local 32% state	RCW 3.62.060(11)
Service fee for faxed documents	CLJ	\$3 for 1 st page \$1 each additional	2009		68% local 32% state	RCW 3.62.060(12)
Cost upon conviction	CLJ	\$43	2005 - \$43	2005-2009= \$47.41	68% local 32% state	RCW 3.62.085

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Jury Fee-Criminal	CLJ	\$125 6-person CLJ	1862 - \$6 1977 - \$25 2005 - \$125	1992-2005= \$34.80 1992-2009= \$38.37 2005-2009= \$137.83	100% local	RCW 12.12.030
Small Claims Filing Fee	CLJ	\$14 + \$10 JSTA surcharge	1919 - \$1 1980 - \$5 1981 - \$10 2005 - \$14 2009 - \$10 JSTA	1992-2005= \$13.92 1992-2009= \$15.35 2005-2009= \$15.44	68% local 32% state JSTA surcharge not subject to above split – 100% state	RCW 12.40.020
Courthouse Facilitator Filing Fee Surcharge – Applied to all superior court cases filed under Title 26 RCW.	SC	Up to \$20 – as set by local legislative authority	1993 - \$10 (Up to \$10 as set by local legislative authority) 2005 - \$20	1993-2005= \$13.52 1993-2009= \$14.90 2005-2009= \$22.05	100% County dedicated account	RCW 26.12.240
Law Library portion of civil filing fees	SC	\$17 *See cite	1919 - \$1 1937 - \$1.50 1961 - \$3 1979 - \$7 1992 - \$12	1992-2005= \$16.70 1992-2009= \$18.42 2005-2009= \$18.75	A set amount of filing fee applied to local law library fund	RCW 27.24.070 *Amount of filing fee dedicated to law library may be increased up to \$20, or if multiple law library sites, up to \$30 by local legislative authority
	CLJ	\$7	1953 - \$1.50 1979 - \$3 1992 - \$6	1992-2005= \$8.35 1992-2009= \$9.21 2005-2009= \$7.72		

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Transcript/Abstract Filing Fee	SC	\$20	1995 - \$15 2005 - \$20	1995-2005=\$19.22 1995-2009=\$21.20 2005-2009=\$22.05	54% local 46% state	RCW 36.18.012(2)
Document Filing Fee	SC	\$20	1995 - \$20	1995-2005=\$25.63 1995-2009=\$28.26 2005-2009=\$22.05	54% local 46% state	RCW 36.18.012(3)
Unlawful Detainer Answer Filing Fee	SC	\$112 when answer filed	1987 - \$48 1992 - \$80 2005 - \$112 Note: civil filing fee of \$78 was divided for unlawful detainers in 1989 – see also sec. 19 (2) (a)	1992-2005=\$111.36 1992-2009=\$122.79 2005-2009=\$123.50	54% local 46% state	RCW 36.18.012(4) (previously 36.18.020)
Unlawful Detainer Third-party, Counter or Cross Claim	SC	\$45 + \$112 = \$157 (Total filing fee amount) + 30 JSTA	2006 – total filing fee 2009 - \$30 JSTA	2006-2009=\$167.71	54% local 46% state	RCW 36.18.012(5) RCW 36.18.020
Restrictive Covenant, Petition to Strike Discriminatory Provisions	SC	\$20	1995 - \$20	1995-2005=\$25.63 1995-2009=\$28.26 2005-2009=\$22.05	54% local 46% state	RCW 36.18.012(6)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Will Filing, No Probate	SC	\$20	1995 - \$20	1995-2005= \$25.63 1995-2009= \$28.26 2005-2009= \$22.05	54% local 46% state	RCW 36.18.012(7)
Non-Judicial Probate Dispute w/in Existing Case	SC	\$20	1995 - \$2 2005 - \$20	1995-2005= \$2.56 1995-2009= \$2.83 2005-2009= \$22.05	54% local 46% state	RCW 36.18.012(8)
Common Law Lien Petition	SC	\$35	1996 - \$35	1996-2005= \$43.57 1996-2009= \$48.04 2005-2009= \$38.59	54% local 46% state	RCW 36.18.012(9)
Tax Warrant	SC	\$20	2001 - \$5 2003 - \$20	2003-2005= \$21.23 2003-2009= \$23.41 2005-2009= \$22.05	54% local 46% state	RCW 36.18.012(10)
Modification Filing Fee	SC	\$36	1995 - \$20 2005 - \$36	1995-2005= \$25.63 1995-2009= \$28.26 2005-2009= \$39.70	100% local \$24 to DV prevention account, \$ 5.70 to community DV, \$.30 to court	RCW 36.18.016(2)(a) RCW 36.18.016(2)(b)
Petition for Dissolution		\$30 (in addition to filing fee)	2005 - \$30	2005-2009= \$33.08		

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Jury Fee - Civil	SC	\$125 6-person	1992 - \$25 1995 - \$50 1999 - \$125	1999-2005= \$146.53 1999-2009= \$161.58 2005-2009= \$137.83	100% local	RCW 36.18.016(3)(a)
	SC	\$250 12-person	1992 - \$50 1995 - \$100 1999 - \$250	1999-2005= \$293.07 1999-2009= \$323.16 2005-2009= \$275.67		RCW 36.18.016(3)(a)
Jury Fee - Criminal	SC	\$125 6-person	1999 - \$50 2005 - \$125	1999-2005= \$58.61 1999-2009= \$64.63 2005-2009= \$137.83	100% local	RCW 36.18.016(3)(b)
	SC	\$250 12-person	1999 - \$100 2005 - \$250	1999-2005= \$117.23 1999-2009= \$129.26 2005-2009= \$275.67		RCW 36.18.016(3)(b)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Certified Copies Fee	SC	\$5 / \$1	1995 - \$2/\$1 2005 - \$5/\$1	1995-2005= \$2.56 1995-2009= \$2.83 2005-2009= \$5.51	100% local	RCW 36.18.016(4)
Authentication w/seal		\$2 for each add'l seal	Pre2005 - \$1 2005 - \$2	2005-2009= \$2.21		
Copies of paper documents without a seal		\$0.50/pg	2005 - \$.50	2005-2009= \$0.55		
Copies of electronic documents without a seal		\$0.25/pg	2005 - \$.25	2005-2009= \$0.28		
Copies made onto a compact disk		\$20/disk	2005 - \$20	2005-2009= \$22.05		
Executing a Certificate	SC	\$2	1995 - \$2	1995-2005= \$2.56 1995-2009= \$2.83 2005-2009= \$2.21	100% local	RCW 36.18.016(5)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Affidavit for Garnishment	SC	\$20	1995 - \$20	1995-2005= \$25.63 1995-2009= \$28.26 2005-2009= \$22.05	100% local	RCW 36.18.016(6)
Supplemental Proceeding	SC	\$20	2005 - \$20	2005-2009= \$22.05	100% local	RCW 36.18.016(7)
Approving a Bond	SC	\$2	1995 - \$2	1995-2005= \$2.56 1995-2009= \$2.83 2005-2009= \$2.21	100% local	RCW 36.18.016(8)
Certificate of Qualification	SC	\$2	1995 - \$2	1995-2005= \$2.56 1995-2009= \$2.83 2005-2009= \$2.21	100% local	RCW 36.18.016(9)
Clerk's Services	SC	\$30/hr	\$20 2009 - \$30	2005-2009= \$22.05	100% local	RCW 36.18.016(11)
Ex Parte Orders	SC	\$30	\$20 per hr or portion 2009 - \$30 flat rate	1992-2005= \$27.84 1992-2009= \$30.70 2005-2009= \$22.05	100% local	RCW 36.18.016(12)
Recording of Proceedings	SC	\$10/audio \$25 video	1995 - \$10 1995 - \$25	1995-2005= \$12.81 1995-2009= \$14.13 2005-2009= \$11.03 1995-2005= \$32.04 1995-2009= \$35.33 2005-2009=	100% local	RCW 36.18.016(13)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
				\$27.57		
Disclaimer Filing Fee	SC	\$0	1995 - \$2 2005 - \$0		100% local	RCW 11.86.031(4) RCW 36.18.016(13) (formerly)
Torrens Act/Land Titles	SC	\$20	1995 - \$5 2005 - \$20	1995-2005= \$6.41 1995-2009= \$7.07 2005-2009= \$22.05	100% local	RCW 65.12.780 RCW 90.03.180 RCW 60.04.081 RCW 36.18.016(14)
Extension Of Judgment Filing Fee	SC	\$200	1995 - \$110 2005 - \$200	1995-2005= \$140.96 1995-2009= \$155.44 2005-2009= \$220.53	100% local	RCW 36.18.016(15)
Facilitator Surcharge	SC	\$20 (up to)	1995 - \$10 2005 - \$20	1995-2005= \$12.81 1995-2009= \$14.13 2005-2009= \$22.05	100% local	RCW 36.18.016(16) RCW 26.12.240
Water Rights Statement	SC	\$25	1995 - \$25	1995-2005= \$32.04 1995-2009= \$35.33 2005-2009= \$37.57	100% local	RCW 36.18.016(17)
Claim of frivolous lien	SC	\$35	2005 - \$35	2005-2009= \$38.59	100% local	RCW 36.18.016(18) *Fee already established at \$35 under RCW 60.04.081
Change of Venue	SC	\$20	2005 - \$20	2005-2009= \$22.05	100% local	RCW 36.18.016(19) 4.12.090

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Faxed Documents	SC	\$5/\$1	1995 - \$3/\$1 2009 - \$5/\$1	1995-2005= \$3.84 1995-2009= \$4.24 2005-2009= \$5.51	100% local	RCW 36.18.016(20)
Clerk's Papers	SC	\$.50/page	1995 - \$.50	1995-2005= \$0.64 1995-2009= \$0.71 2005-2009= \$0.55	100% local	RCW 36.18.016(21)
Mandatory Arbitration	SC	\$200 (as established by local ordinance)	2000 - \$120 2002 - \$200	2002-2005= \$217.12 2002-2009= \$239.41 2005-2009= \$220.53	100% local	RCW 36.18.016(25)
Trial De Novo	SC	\$250 (as established by local ordinance)	1999 - \$250	1999-2005= \$293.07 1999-2009= \$323.16 2005-2009= \$275.67	100% local	RCW 36.18.016(26)
Filing of a will or codicil	SC	\$20	2005 - \$20	2005-2009= \$22.05	100% local	RCW 36.18.016(28)
LFO fee	SC	\$100 annually	2009		100% local	RCW 36.18.016(29) RCW 9.94A.780
Dissolution Surcharge	SC	\$20	2007 - \$20	2007-2009= \$20.77	100% local	RCW 36.18.016(30) RCW 26.12.260
Appellate Review under RAP 5.1(b)		\$250 + \$30 JSTA surcharge	1995 - \$250 2009 - \$30 JSTA	1995-2005= \$320.37 1995-2009= \$353.27 2005-2009= \$275.67	100% state JSTA surcharge not subject to split – 100% state	RCW 36.18.018(2)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Civil Filing Fee	SC	\$200 + \$30 JSTA surcharge	1854 - \$0.10 1903 - \$4 1951 - \$5 1961 - \$15 1970 - \$25 1972 - \$32 1977 - \$45 1980 - \$60 1981 - \$70 1987 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	1992-2005= \$153.12 1992-2009= \$168.84 2005-2009= \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(a)
Unlawful Detainer Filing Fee		\$45 plaintiff + \$30 JSTA surcharge	1989 - \$30 2005 - \$45 2009 - \$30 JSTA Note: civil filing fee of \$78 was divided for unlawful detainer actions in 1989 – see also sec. 17 (4)	1992-2005= \$41.76 1992-2009= \$46.05 2005-2009= \$49.62	JSTA surcharge not subject to above split – 100% state	

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Lower Court (CLJ) Appeal	CLJ	\$200 + \$20 JSTA surcharge	Pre 1992 - \$78 1992 - \$110 2005 - \$200 2009 - \$20 JSTA	1992-2005= \$153.12 1992-2009= \$168.84 2005-2009= \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(b)
Petition for Judicial Review	SC	\$200 + \$30 JSTA surcharge	1995 - \$110 2005 - \$200 2009 - \$30 JSTA	1995-2005= \$140.96 1995-2009= \$155.44 2005-2009= \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(c)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Anti-Harassment Filing Fee	SC	\$53	1995 - \$110 2000 - \$41 2005 - \$53	2000-2005= \$46.50 2000-2009= \$51.27 2005-2009= \$58.44	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(d)
	CLJ	\$43 (plus \$10 DRC surcharge in many counties)	Same as civil filing fees in District Courts.		CLJ distribution is: 48.63% local 19.37% law library 32% state	RCW 10.14.040
Notice of Debt Due Under 7.68.120(2)	SC	\$200 + \$30 JSTA surcharge	1996 - \$110 (prior was water rights fee) 2005 - \$200 2009 - \$30 JSTA	1996-2005= \$136.92 1996-2009= \$150.98 2005-2009= \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(e)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Probate Proceedings	SC	\$200 + \$30 JSTA surcharge	Pre 1992 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	1992-2005 = \$153.12 1992-2009 = \$168.84 2005-2009 = \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(f)
Will Contest Filing Fee	SC	\$200 + \$30 JSTA surcharge	1903 - \$25 1961 - \$15 1970 - \$25 1972 - \$32 1977 - \$45 1980 - \$60 1981 - \$70 1987 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	1992-2005 = \$153.12 1992-2009 = \$168.84 2005-2009 = \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(g)

Trial Court Funding Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount	Distribution	Cite
Criminal Filing Fee	SC	\$200	1963 - \$15 1970 - \$25 1972 - \$32 1980 - \$60 1981 - \$70 1992 - \$110	1992-2005= \$153.12 1992-2009= \$168.84 2005-2009= \$220.53	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(h)